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TRUTH AND CONSEQUENCES

The Debate on Homosexuals in the Military

A Monograph
By
Major Mike Prevou
Armor



School of Advanced Military Studies
United States Army Command and General Staff College
Fort Leavenworth, Kansas

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MONOGRAPH APPROVAL

Major Michael I. Prevou

Title of Monograph: Truth and Consequences: The Debate on
Homosexuals in the Military

Approved by:

William I. Knightly Monograph Director
COL William Knightly, MMAS

Gregory Fontenot Director, School of
COL Gregory Fontenot, MA, MMAS Advanced Military
Studies

Philip J. Brookes Director, Graduate
Philip J. Brookes, Ph.D. Degree Program

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ABSTRACT

TRUTH AND CONSEQUENCES: THE DEBATE ON HOMOSEXUALS IN THE MILITARY by
Major Michael I. Prevou, USA, 67 pages

This monograph addresses the question of whether admitting openly homosexual persons into the military affects readiness. Homosexuality and the effect on military readiness has been a volatile issue since President Bill Clinton pledged to remove the ban during the 1992 presidential campaign. As a result of heated debate in early 1993, DOD and the administration compromised on the current "Don't ask, Don't tell, Don't pursue" policy. As this policy faces legal challenges and Americans try to come to grips with the propaganda and fallacies from each side, the Armed Forces has a responsibility to evaluate the impact of this or future policies in terms of readiness. This monograph analyses studies on over twenty foreign militaries, and six domestic fire and police departments, in an attempt to answer the question: Would admitting known homosexuals into the Armed Services affect readiness? This paper examines all sides of the argument and provides an assessment of the current military position. It concludes that there is still a void of data required to determine empirically that readiness is affected. However, conclusions and inferences about medical readiness, deployability, legal issues and privacy provide useful insights for framing future personnel policies and evaluating current ones.

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I. INTRODUCTION

On January 29, 1993, President Clinton directed the Secretary of Defense to "submit. . . prior to July 15, 1993 a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces."¹ In issuing this directive, the President was acting on a campaign pledge to end the prohibition on homosexuals serving in the United States military. Changing policy to permit homosexuals to serve, is to say the least, controversial, and many in the public and private sectors oppose the change. The debate touched off a series of Congressional hearings that revealed a wide-range of opinion. Senior military and political leaders, expert witnesses and social scientists voiced divided opinions through the spring of 1993.

The absence of a political consensus, in Congress or in the country as a whole; the conflicting views among military personnel and experts; and the question as to the legality of the President's authority resulted in the current "Don't ask, Don't tell, Don't pursue" policy. This policy considers behavior not orientation as the basis for discharge. It required no major changes in military personnel policies and no change to current law. Homosexual *conduct* is now grounds for separation. Sexual orientation in the revised policy is "considered a personal and private matter" and not grounds for separation.²

Why does it matter whether homosexuals serve openly in the military? Our military leadership has been quick to point out that lifting the ban on homosexuals will adversely affect discipline, morale, unit cohesiveness and readiness.³ Too few in the profession of arms understand the importance of the issues on the measures of readiness at anything more than an emotional level. Most military professionals instinctively support the ban on homosexuals in the military. However, too few are prepared to offer concrete, objective arguments in the policy debate. The military cannot afford to be only spectators. While

we are careful to become involved in the politics, it is the duty and responsibility of military leaders to examine and understand the issues, to review the facts, and positions of both sides, and potential consequences of openly admitting homosexuals into or excluding them from the armed services.

The public debate has been clouded by flawed research, surveys taken out of context, misinformation, and distrust, and raises the question: will admitting openly homosexual persons into the military affect readiness? This paper is intended to provide an accurate, empirical and unemotional view of the areas most closely associated with readiness and homosexuals in the military.

In the testimony to the House Armed Services Committee Brig Gen William Weise, USMC (Ret) went one step further and outlined what he believes is a homosexual agenda for not only the military but for America:

"Why are the Armed Forces so high on the homosexual agenda? Today, the military is arguably the most respected of all American institutions. Homosexual rights activists want to impose government-enforced approval of homosexual behavior and special rights on the Armed Forces. Then they wish to impose their values on all Americans through special rights laws, using America's Armed Forces as a model. How do I know this? Because of the public statements of homosexual activists.⁴"

The uproar over the President's plan to end the ban on homosexuals serving in the military has subsided - for now. However both sides are preparing for the next phase of the battle. The matter goes far deeper than may first appear. It poses fundamental questions about the exercise of power in a democracy, the state's role in maintaining some minimum standards of morality, and the military's place as a unique institution within society that may require special consideration and perhaps exemption, from the states usual practice.⁵ "On the other hand, the controversy over the gay ban may be nothing

more than politics - an example of an interest group mobilizing its resources to gain advantages for its members."⁶

II. THE NATURE OF MILITARY READINESS

The Nature of Military Readiness

Readiness is dynamic and involves much more than just a fill level of personnel and equipment. Joint doctrine defines readiness as part of military capability. "The ability of forces, units, weapon systems, or equipment to deliver the outputs for which they were designed (includes the ability to deploy and employ without unacceptable delays.)"⁷ However this or any other definition fails to establish a measure of effectiveness for readiness aside from the broad terms of the units ability to achieve a specified objective. For the purposes of this research it is important to look at the specific measures of effectiveness which effect readiness. Section Five of this monograph examines four measures of effectiveness to determine the effect openly homosexuals service members will have on readiness. The four measures of effectiveness are: Esprit and Cohesiveness; Medical readiness; Mobilization and Deployability; Good Order; and Discipline Morale. While these are not the only measure of effectiveness relating to readiness they are the most relevant relating to the homosexual exclusion policy.

Readiness for America's Armed Services can be defined a number of ways. Most common is the synergy created by quality people, leadership, equipment, doctrine and training. Each component plays a vital role. Change anyone and it affects the others. This concept of teamwork and cohesion is based on trust, respect and loyalty. SLA Marshall wrote that men "fight for their buddies," not because they are ordered to or they are afraid, but because of the "spiritual unity" they develop for each other.⁸ The readiness of our armed forces requires cohesion and teamwork. Readiness of America's armed

forces is made up of men and women who respect, trust and rely on one another. "Combat readiness" - as demonstrated by military success embraces "sacrifice of life and personal liberties, secrecy of plans and movement of personnel; security; discipline and morale; and the faith of the public in the officers and men and the cause they represent."⁹ The ban against the homosexuality is based on the recognition that military life cannot provide for different individual life styles and that unit cohesion, discipline and trust are the cornerstones that effectiveness is built.¹⁰

III. THE NATURE OF HOMOSEXUALITY

The military defines a homosexual as "A person, regardless of sex, who engages in, attempts to engage in, has propensity to engage in, or intends to engage in homosexual acts."¹¹ A homosexual act is defined as "any bodily contact, actively undertaken or passively permitted, between members of the same sex for purpose of satisfying sexual desires."¹² Homosexual conduct is defined as "a homosexual act, a statement by the service member that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. These definitions are consistent with Webster's Third New International Dictionary which defines homosexuality as "atypical sexuality characteristics by manifesting of sexual desire toward a member of one's own sex."¹³

The Extent of Homosexuality

The debate over the extent of homosexuality is a heavily contested issue. Homosexual orientation and conduct cannot be abnormal, many insist, if a large percentage of the population is homosexual. The larger the numbers, the more manpower the military loses by not allowing them to serve, so goes the argument.¹⁴

Often the figure of 10 percent of the overall population is offered as an established fact for the extent of homosexuality in the United States. This 10 percent figure originated from a single study of male sexuality in 1948 by Dr. Alfred Kinsey.¹⁵ There has been much evidence that the 10 percent figure is far too high. Both flaws in the research population and in the interpretation of his data have begun to surface in the 1980s when AIDS statistics were being gathered.¹⁶

The most comprehensive sample of homosexuality is the continuing survey conducted for the National Center for Health Statistics of the Center of Disease Control. This survey claims that no more than two percent of men surveyed answered "yes" to having had sex with another man at some time since 1977, even one time.¹⁷ Most studies show that women have about half the male prevalence rate so a general population estimate for homosexuality would fall below 2 percent.¹⁸ A national poll showed that 2.4 percent of voters in the 1992 presidential election described themselves as homosexual.¹⁹ Numerous other surveys reveal similar percentages. In a summary of data from 30 surveys with "large, plausibly unbiased samples" the actual number of exclusively homosexual persons in the US is less than 1.5 percent.²⁰

It is no accident that the 10 percent figure become etched in stone. In the 1989 book "After the Ball," a blueprint for gay political activism, Marshall Kirk and Hunter Madsen boast that "when straights are asked by pollsters for a formal estimate, the figure played back most often is the '10 percent gay' statistic that our propagandists have been drilling into their head for years."²¹ The debate over numbers is more than academic; for homosexuals, it is the linchpin of the gay rights drive for affirmation and legal status. Homosexuality cannot be an "abnormality" if a large percentage of the population practices it and seems normal in other respects. The larger the homosexual population is

perceived to be, the more political and economic clout it wields, and the more potential manpower and talent the armed forces are losing by refusing to admit them into the services.

The Homosexual Subculture

Mr. John B. Roos's writing in the March 1993 edition of Armed Forces Journal points out that a "general ignorance about homosexual practices is the strongest ally in the camp of those who support lifting the ban."²² To understand whether or not the homosexual community can detract from military readiness we must understand the profile that defines this community.

Homosexuals distinguish themselves from other groups by their behavior, not by some benign characteristic like skin color or ethnicity. Many reputable studies show that homosexuals typically live a dangerously promiscuous life-style. One study declares that 43 percent of homosexuals have had 500 or more lifetime sexual partners while 28 percent or more have had 1000 or more.²³ Acquired immune deficiency syndrome (AIDS) victims have had on average of 1,100 lifetime sex partners.²⁴

Research shows that some homosexuals ignore the impact sexually transmitted diseases (STD) are having on their community.²⁵ Homosexuals account for 80 percent of STD in this country.²⁶ They are thousands of times more likely to contract HIV than heterosexuals.²⁷ Accordingly, homosexuals comprise two-thirds of all AIDS cases reported to the Center for Disease Control (CDC).²⁸ Between 40 and 60 percent of homosexuals have had Hepatitis B and most have had syphilis.²⁹ They are hundreds of times more likely to have had oral infections from STDs than are heterosexuals.³⁰ The high incidents of STDs in the homosexual community affect their immune systems, making them especially vulnerable to other infections and communicable diseases such as

pneumonia, tuberculosis and staphylococci infections³¹. This fact is particularly important in light of the Army's unique requirements for deployment, unit cohesion and medical readiness.

Homosexual Demands and the Military

The homosexual community has attempted to force its demands through political power. In a 1993 March on Washington DC, the homosexual demonstrators made several demands including "civil rights" to prohibit discrimination on the basis of sexual orientation, a change in the definition of family to allow homosexual marriage and adoptions, and inclusion of homosexual, bisexual and transsexual studies in the education system curricula (See Annex 1, Program Guide to the 1993 March on Washington.)

Secondly, they demand to openly serve in the military. They want Department of Defense (DOD) to establish a body similar to the Defense Advisory Committee on Women in the Service (DACOWITS) to advise the President and Secretary of Defense on all matters relating to homosexuals and bisexuals in the armed forces. In addition to just serving, they intend to pursue quotas for the service academies and threaten "civil rights" violation charges for harrassment of homosexuals.³² The "Freedom Project" also calls for military law reform, periodic reporting of DOD implementation of new policies and training. They demand that DOD institute training for all personnel--including chaplains--on the acceptance of homosexuals and bisexuals. This training would address prejudice, stigma, and discrimination with regard to sexual orientation.³³ Furthermore, the homosexual activists would prohibit HIV testing in the military, claiming discrimination in the work place.³⁴

In 1972, a national coalition of two hundred gay organizations, which the homosexual movement in America called "Gay Liberation," came together and publicly

announced a formal "Gay Rights Platform." This platform included nine specific demands at the federal level and eight at the state and local level. These demands for change in America's law and moral order would result in a significant transformation of society. Among their demands was legal clearance to openly "permit homosexuals to serve in the armed forces."³⁵

The History of Homosexuality and the Military

In the current debate surrounding the military's ban on homosexuality it is important to review the history of the U.S. military's policy on homosexuality and to look at how other countries and U.S. civil institutions deal with homosexuality. In two independent 1993 studies, the RAND Corporation and the General Accounting Office (GAO) conducted extensive research on the history of US military policy on homosexuality and sodomy.³⁶ A summary of the findings follows.

Historically, the military did not concern itself with issues of discrimination, including homosexuality. Rather, it relied upon a self-selection process in the military which was traditionally small. Even the Army that existed between the two World Wars was less than 200,000 while the Navy was barely 100,000. During World War I the punishment of homosexual acts was first enacted into American military law.³⁷ A further revision occurred three years later, which stated sodomy itself was a felony, whether consensual or involving assault.³⁸ The military then dealt with sodomy as a criminal act. This was the prevailing military policy until the outset of WWII.

During WWII, lively debate took place within the military establishment concerning the policies and practices regulating homosexual activity and the exclusion of homosexuals from the armed forces. As a result of the congressionally established conscription, 16 million men registered for the draft. Selective Service officials

established strict qualification standards for military service. For the first time, the screening process included a psychiatric evaluation as well as a physical evaluation. The requirement for mental as well as physical screening became increasingly critical to maintaining a well trained, effective fighting force.

The American Psychiatric Association's Military Mobilization Committee helped develop the procedures that were used to evaluate more than 18 million men and women inducted during the course of the war. By the beginning of the war, the Army and Navy Departments, along with the Selective Service, had determined that overt homosexual behavior was grounds to deny entry into the military.³⁹ By the end of the war, policy concerning homosexuality had undergone several important changes. First and most important, the "homosexual" had replaced the "sodomist" as the focal point of legal concern. People who engaged in same-sex behavior could be separated from the service through resignation or administrative discharge. Even if no sexual activity had occurred, a growing body of policy supported the view that a homosexual personality could readily be identified. Such persons were barred from military service at induction or separated from service upon discovery.⁴⁰ One of the prevailing arguments for the establishment of the anti-homosexual policy was that the military had spent over a billion dollars treating the psychiatric casualties of WWI. The exclusion of homosexuals established an additional screening criteria, limiting those who might not be able to cope with the trauma of the battlefield.⁴¹

In 1950, hearings on homosexual policy were initiated in the Senate. The issue of national security issue was introduced by Secretary of State, John Peurifoy, who testified that most of the ninety-one Federal employees dismissed as security risks were homosexuals.⁴² Through these hearings, the military policies of discharge for

homosexuality were extended to every federal employee, under the rubric of security risk. During the McCarthy era the perceived national security issue, which had originated in the political domain, spread to the military. In June 1950, responding to direct pressure from the Senate committees, the Army extended its antihomosexual policies to all civilian employees and the Secretary of Defense. The Civil Service Commission established new internal procedures to prevent reemployment of "sexual perverts"⁴³ in any government job.

In 1951 the Uniform Code of Military Justice (UCMJ) was passed, with legal procedures focused on sodomy, and emphasized a policy of discharge, rather than imprisonment for homosexuality. In April 1953, President Dwight Eisenhower signed Executive Order 10450 which tightened loyalty and security regulations. For the first time civil service law explicitly stated that "sexual perversion was necessary and legitimate grounds" for not hiring as well as for firing federal employees.⁴⁴ In 1959, DOD policy was revised with the issuance of the first version of DOD Directive 1332.14 on the subject of Administrative Discharges. Section VII.1 of the Directive indicated that among the reasons for discharge for "unfitness" was "sexual perversion" including homosexual acts and sodomy. The policy remained throughout the late 1950s and the 1960s where separation of homosexuals proceeded unchallenged.

In 1965 DOD revised the regulations surrounding separation of homosexuals facing a less-than-honorable discharge. The chance to present their case before administrative discharge boards and be represented by counsel was allowed. This revision became a turning point in the legal history of homosexuals in the military.⁴⁵ Before the 1965 directive, most service members accused of homosexuality cooperated without protest in order to protect others or to avoid severe punishment.⁴⁶ Inconsistency in the legal

standards, in documentation required, in administrative procedures, and of the policy and procedures for discharge led to a review during the Carter administration.⁴⁷

For the first time, the revised 1981 directive stated that "Homosexuality is incompatible with military service" and provided the following explanation for exclusion of homosexuals:

The presence of such members [homosexuals] adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among servicemembers; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security.⁴⁸

The revision also clarified that homosexuality alone did not require a misconduct discharge. In the absence of other actions (such as violence), the discharge could be under honorable conditions.⁴⁹ This policy and its provisions remained the governing policy until January 1993. Directive 1332.14 was reissued in 1982, the language remained unchanged. Identical language in a separate directive governs officer personnel.⁵⁰

According to a report compiled by the GAO, there were 16,919 discharges for homosexuality within the Armed Forces between 1980 and 1991. These discharges comprised 1.7 percent of all involuntary discharges in the Department of Defense for this period.⁵¹ On average, over 1,400 service personnel were separated for homosexuality per year.

Homosexuality, Sodomy, and Military Law.

Article 125 of the UCMJ states that a person engaging in "unnatural carnal copulation" with members of the same or opposite sex is guilty of sodomy. The UCMJ does not define what is meant by "unnatural" carnal copulation in statutory language. This definition is provided in the Manual for Courts Martial (MCM), where the proscribed

behavior is defined as oral or anal sex, or sex with an animal. The distinction between the two regulations governing the sexual behavior of military personnel is that: the DOD directive forbids virtually any type of homosexual conduct; the UCMJ however forbids an even narrower set of behaviors, regardless of whether they are performed by homosexuals or heterosexuals.⁵² Under military law the act itself is forbidden under all circumstances, regardless of the nature of the partners to the act. Contemporary surveys indicate that oral sex, as defined and prohibited by the UCMJ/MCM, is widely practiced in the American population by both homosexuals and heterosexuals.⁵³

IV. COMPARATIVE ANALYSIS

Experiences of Foreign Militaries with Homosexuals

Policy toward homosexuals serving in the military varies widely among countries. The GAO and Rand conducted a study of twenty-five countries, looking specifically and in detail at eight; Canada, France, Germany, Israel, the Netherlands, Norway, Sweden and the United Kingdom, to examine how other constitutions have implemented a wide range of policies toward homosexuals.⁵⁴ None of these organizations is an exact model for the US military. U.S. forces differ in the areas of global deployments, housing and berthing policies, length of service and lack of conscription.

Each of the militaries studied reflect a unique society and culture. Therefore policies vary accordingly. France, Germany, Israel, the Netherlands, Norway and Sweden have conscripted forces. Norway and Sweden essentially train recruits to serve as a militia that can be mobilized for territorial defense should future situations arise. Both contribute forces to international peacekeeping operations. The Netherlands has changed its policy

to end conscription and now relies on a volunteer force. Norway, Sweden and the Netherlands follow a non-discrimination policy with respect to homosexuals serving.⁵⁵

With the exception of the UK, all of these countries permit known homosexuals to serve in some capacity in their military. Several broad themes emerged from the studies, with potential implications for the situation facing the U.S. military.

- In countries that allow homosexuals to serve, the number of openly homosexual service members is small and is believed to represent only a minority of homosexuals actually serving.
- Service members who acknowledged their homosexuality were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.
- Few problems caused by the presence of homosexual service members were reported. Problems that did arise were generally resolved satisfactorily on a case-by-case basis. If a problem developed to the point that a unit might become dysfunctional, action was taken to remove the individual (homosexual or heterosexual) from the unit.⁵⁶

According to the RAND study, the French policy on homosexuals is not to have a policy. Unofficially, the issue is dealt with in the general category of medical/psychological issues. Homosexual status is not automatically disqualifying for conscription, but in practice homosexuals are excused from service if they so desire. Among the career force, flagrant homosexual conduct can be the proximate but unofficial cause for separation. The French approach appears to be that private sexual conduct is not relevant to performance of military duties.⁵⁷

Israel also relies on conscription; however, the term of conscription is longer, 36 months vs an average of 10 months in Europe. Like Norway the ethic in Israel is that all should serve and everyone should remain available for mobilization to defend the country. However, in Israel, military service is an obligation and a duty. The attitude is therefore

one of inclusion rather than exclusion--the Israeli military will make every effort to permit recruits to serve, accepting some who might otherwise be disqualified.⁵⁸

In June 1993 Israel reaffirmed its policy of non-discrimination, removed the requirement that homosexuals undergo a mental examination and no longer automatically prohibits them from holding top-level security clearances.⁵⁹ It is a common misperception that homosexual men are not permitted to serve in combat units, or are treated like women and given clerical jobs and allowed to live at home. A recently issued standing order makes it clear that no automatic restrictions will apply to homosexuals and that all members of the armed forces will be evaluated by the same criteria.⁶⁰ Because of the ethic of inclusion in the Israeli military and the concept of citizen-soldier, there is a well-developed system of support from counselors, psychologists, and social workers to assist military leaders in dealing with service member's adjustment to military service.⁶¹ In Israel allowing everyone to serve is a military necessity.

The Swedish military force has approximately 53,000 active duty personnel and can call up to 850,000 reserves in the event of war. Women in the Swedish military serve only as officers, and only about 225 currently serve.⁶² Sweden has a conscription policy targeting men between 18 and 47 and service is only 5-17 months. During this time conscripts are permitted frequent home visits.⁶³ Most young men consider military service an obligation and all but about 6,000 per year group will have the opportunity to serve.

Sweden has historically been a strong advocate of human rights, and has no restriction on homosexuals serving in the military. While homosexuality is not specifically protected, discrimination against homosexuals is prohibited and is a criminal offense. Sweden has no laws that restrict sexual behavior or prohibit acts between consenting adults.⁶⁴ While there are no restrictions "the silence surrounding homosexuals

and homosexuality is virtually total."⁶⁵ Only three of the forty-two personnel interviewed knew for sure that they had served with a homosexual. Only 10 of 12,000 conscripts per year, disclose their orientation.⁶⁶ Some military personnel interviewed by the GAO said that when an individual did choose to be open about their homosexuality they tend to reveal their sexual orientation to those in their immediate unit, that they know well and trust.⁶⁷

Canada and the United Kingdom, like the United States, do not rely on conscription. Canada maintains a small military that is primarily oriented toward international peacekeeping. In late 1992 Canadian policy changed to eliminate the ban on homosexuals serving in the military, following court rulings that prohibited discrimination on the basis of sexual orientation in all areas of federal jurisdiction. The Canadian Forces then implemented a new policy that permitted acknowledged homosexuals to serve while prohibiting inappropriate sexual misconduct and personal harassment by all service members.⁶⁸ The new policy received strong endorsement and support from the leadership of the Canadian Forces and thus far they report no detrimental effects resulting from the policy change.⁶⁹

The United Kingdom remains the only country studied that retains an absolute ban on homosexuals in their military. It is the only country that conducts investigations of alleged homosexuality and will expel known homosexuals from the service. In all the countries studied, sodomy has been decriminalized in civil law. The military law then followed suit in all countries except Britain, where the Queen's Regulations still forbids homosexual acts. However, in Britain the policy in practice is to expel homosexuals under the provisions of a general administrative discharge not the charge them with a violation of military law.⁷⁰

Like Britain, Germany will exclude known homosexuals from service. For those homosexuals already in the military, German policy tends to be more variable. Conscripts are likely to be expelled if discovered to be homosexual. Germany, however, does not actively investigate these matters so discovery would most likely be associated with an actual incident of conduct, an adjustment problem, or self declaration. An individual who has served less than four years may be expelled, depending on other factors. They would not automatically be expelled if other factors indicated satisfactory performance on the job. After four years of service, the individual almost certainly would not be separated although it is possible he would be transferred to a job that is not in a leadership position. In Germany these infrequent decisions are made on a case by case basis and the outcome depends largely on a variety of factors. The best characterization of German policy toward homosexuals in the military is the frequently heard explanation, "It depends."⁷¹

According to both RAND and GAO studies, while it is generally accepted that homosexuals serve in all of the militaries examined for this study, few serve openly. Despite tolerance for homosexuality in the society and the decriminalization of homosexual acts, in none of these societies is homosexuality widely accepted by a majority of the population.⁷²

In five of the countries that have policies of complete nondiscrimination (Canada, Israel, the Netherlands, Norway, and Sweden), no serious problems were reported concerning the presence of homosexuals in the force. While an occasional episode of ridicule or violence has occurred, reported mainly in Norway, these incidents have been so infrequent so that no special measures were taken to prevent future occurrences. In Canada, since the ban was lifted in 1992, no member of the Canadian Forces has declared

himself or herself to be homosexual, and no incidents of violence against homosexuals or disruption in units have been reported.

Generally, the pattern in each of these organizations is to deal with homosexuals as individuals, treating any issues or difficulties that arise on a case-by-case basis. The Netherlands departs from this standard in providing sensitivity training for troops and making active efforts to ensure that homosexuals are integrated into the force. The integration policies and the special status thus accorded to homosexuals as a category distinguish policy in the Netherlands from that in the other countries examined.

None of the militaries studied for this report believe their effectiveness as an organization had been impaired or reduced as a result of the inclusion policy toward homosexuals. However, a key reason for such beliefs was the fact that homosexuals rarely openly admit their sexual orientation for a variety of reasons.⁷³ With the exception of the Netherlands, no special resources have been expended or programs created to deal with the presence of homosexuals. The Dutch assessment of their own policy has led to the conclusion that the program of promoting open acceptance has not been as successful as they desired. While each of these militaries has a different role to play in its own social context, the key finding is that, in all cases where a decision has been made to include homosexuals in the force, the organization's leaders believe that the force's organizational performance is unaffected by that presence.⁷⁴ A major omission of the RAND and GAO reports is that neither addressed how countries dealt with medical readiness and HIV/AIDS, relating to the homosexual community in their respective militaries.

An analysis of the studies on foreign militaries suggests that if homosexuals were allowed to openly serve in the U.S. armed forces that few, if any would admit their sexual orientation. Additionally the issue of readiness or effectiveness cannot be judged by

simply having a policy that includes or excludes homosexuality. The measure of effectiveness and thus readiness can only be measured if an active catalyst exists, an openly homosexual member within the unit. The research also suggests that homosexuals, while keeping their sexual orientation private will attempt to fulfill the norms of their particular organization and avoid bringing attention to themselves.

Other considerations when comparing foreign militaries to the US military are the demographics. Will U.S. service members be more or less tolerant due to the heterogeneous nature of the U.S. population? Is privacy of greater concern in the U.S. than other countries and how do the countries studied deal with HIV/AIDS, nondeployability and general tolerance of homosexuality? Future studies may be required to study these variables in addition to the policy issues examined.

Experiences of Domestic Civil Services with Homosexuals

Unlike the foreign militaries, domestic police and fire departments function within mainstream America. They share a number of characteristics with the US military which makes them the closest domestic analogy. Their structure is hierarchically organized with a well defined chain of command. Members must work together as teams, and spend a substantial portion of time training for short, intense periods of hazardous activity. An inherent feature of the occupation is putting one's life at risk. They are, however, markedly different in that only the military deploys its members on ships or combat vehicles or routinely engages in field exercises of extended length.⁷⁵ Police and firefighters return to their homes after duty and they often train and work in smaller units/groups than does the military. They interact with the community to a much greater degree than does the military.

Based on the assessments of the RAND studies of six domestic fire and police departments it is possible to make some generalizations about the behavior of homosexual members of the fire and police forces. Virtually all homosexuals who join the police and fire departments conform to the norms and customs of the organization.⁷⁶ These individuals do not fit stereotypes that are inconsistent with the organization--those who join the police departments, for example, wish to be "cops" not "homosexual cops." Homosexuals (male and female) declare their homosexuality gradually, and the numbers remain small, on the average less than one tenth of one percent despite the existence of policies that codify their right to serve.⁷⁷ The number who publicly acknowledge their homosexuality and the pace at which they do it, are strongly influenced by the perceived tolerance or hostility of the organizations. Anti-homosexual attitudes are widespread yet these opinions do not necessarily result in overtly hostile behavior. The departments studied reported that, overall, the effectiveness of the organizations has not been diminished by the presence of homosexuals on the force. Morale and discipline have been maintained and retention rates appear to be unaffected by the presence of known homosexuals. Strict standards of professional conduct and behavior are important and sensitivity training and similar programs usually provoke resentment rather than tolerance - the emphasis is better and more successfully focused on leaders.⁷⁸ A final observation is that implementation policies allowing homosexuals to serve unfold gradually.⁷⁹

A summary of the RAND findings resulted in several key findings that could be useful in establishment of policy and practices in the US military with in regard to homosexuals serving openly:

Even when police and fire department policies prohibit discrimination based on sexual orientation, only a very small number of homosexuals acknowledge their orientation, particularly where the environment is perceived as hostile to homosexuals. Homosexuals who join police and fire departments evidently

join for the same reasons that heterosexuals do. Acknowledged homosexuals are sensitive to the overall norms and customs of their organizations. They tend not to behave in ways that shock or offend, and they subscribe to the organization's values on working problems out informally and within the ranks. Anti-homosexual sentiment does not disappear. However, heterosexuals generally behave toward homosexuals more moderately than would have been predicted based on their stated attitudes toward homosexuals. AIDS is a serious concern of heterosexuals and not one that is quickly alleviated by education. Policies of non-discrimination against homosexuals in these departments have had no discernable effect on the ability of their departments to recruit or retain personnel. Implementation is most successful where the message is unambiguous, consistently delivered, and uniformly enforced. Leadership is critical in this regard. Training efforts that provide leaders with the information and skills needed to implement policy were essential. Sensitivity training for rank and file, however, tended to breed additional resentment and to be ineffective. Training that emphasized expected behavior, not attitudes, was judged most effective.⁸⁰

V. THE THREATS TO MILITARY READINESS

While the debate over homosexuals openly serving in the armed forces seems to have cooled for the moment, the legal challenges have intensified and results of these pending cases could shape future military personnel policy. In order to focus more sharply on the question of the effect on readiness this paper will examine four challenges to the policy on homosexuality and four areas that proponents in favor of the ban cite as a major threat to combat readiness. To keep this controversy in context we need to recognize that the debate is really over how to compose a military fighting force whose mission it is to fight and win the nation's wars, not one of individual rights or opportunities for self gratification.⁸¹

Challenges to the Ban on Homosexuality

Civil Rights

Since the end of WWII, the U.S. military has undergone significant changes in force composition-- most notably, racial integration and the increased role of women. In the debate over allowing homosexuals to serve openly in the military, both these have been

offered as analogues.⁸² While a decision to permit homosexuals to serve is not directly comparable to racial integration, it can serve as a source of potential insights into how the military as an institution has adopted policies on controversial social issues. These lessons may be most valuable in developing a practical and realistic policy in the future.

The main theme of those opposed to racial integration in the post war period centered on the fact that whites were hostile toward serving with blacks, and the rhetoric then is similar to that surrounding the issue of homosexuals serving today.⁸³ At the time integration was inconsistent with the prevailing social norms and likely to create tensions and disruptions in military units and therefore impair combat readiness.⁸⁴

The process of racial integration began in the late 1940s and required many years to achieve the effective fighting force we have today. During WWII many military leaders recognized that unit effectiveness was impaired by continued segregation. Therefore, the military itself began to look for ways to maximize the effectiveness of black troops.⁸⁵ In contrast, the argument for permitting homosexuals to serve is based on ending discrimination, not a compelling operational necessity.⁸⁶ Gen Colin L. Powell, the first black Chairman of the Joint Chiefs of Staff rejects the comparison between integration of blacks and inclusion of homosexuals:

I think the issues are quite different. Forty-odd years ago we already had blacks openly in the military and had had them for 100 years. It was a question of equal opportunity once they were in the military. And we were talking about something that was a fairly benign characteristic, with respect to skin color. With respect to gays in the military, it is, for us, a far more complicated issue that goes to one of the most fundamental of all human behavioral traits--sexual identity, sexual orientation, sexual preference.⁸⁷

The media attention focuses on more radical elements of the "Gay Rights" movement and rarely publicize the true agenda according to author David Horowitz:

"The civil rights movement, under the leadership of Martin Luther King was guided by a conservative agenda. Its goal was to include black Americans in the existing social contact. . . ."88

By contrast Horowitz says, the goal of the homosexual "revolutionaries" is to destroy the existing social contract: "It is this very principle of tolerance that [homosexual] revolutionaries and radicals most reject. For it is this rejection that defines them as radicals."⁸⁹ According to the RAND study, despite the presence of racial tensions, fighting performance did not suffer.⁹⁰ The review of integration also suggests that adaptation within the military is a slow process that requires constant monitoring and commitment from senior leadership. Furthermore, the integration of the work place and the ability to accomplish missions does not automatically translate into social integration. Off duty and off base, blacks and whites customarily associate with members of their own race.⁹¹

Discrimination

The most common charge by homosexuals is that the military "discriminates." America has become accustomed to hearing 'victims' claim protection from discrimination. "The word discrimination has an ugly, evil suggestion about it and has come to mean the very antithesis of our finest American ideals."⁹² To attach the label of discriminatory seems automatic and absolute in judging a policy as morally and legally wrong. However all military personnel policies discriminate.

"The military in fact discriminates on a variety of bases. For example, the military excludes--"discriminates against"--single parents, felons, handicapped individuals, transsexuals, conscientious objectors, and persons with any of a number of medical conditions. The military also discriminates on the basis of height and weight, physical and mental ability, visual acuity, political beliefs and religious affiliation, language, youth and age. To repeat--*all military personnel policies discriminate*. They discriminate between individuals or groups that have strong potential for successful soldiering and those that do

not. And these discriminatory judgments are made by Congress, by the Secretary of Defense, or by the service secretaries in fulfilling their duty to compose strong, combat-ready, and efficiently administered armed forces."⁹³

Historically, the courts have allowed the armed forces considerable leeway in the exclusion of persons it deems unfit for military reasons. The military exists to fight and win the nation's wars and therefore legally discriminates by necessity against a wide range of Americans.

Another common axis of attack for those opposed to the ban is to claim that discrimination based on sexual orientation is a violation of the Fourteenth and Fifth Amendments of the Constitution. The Fourteenth Amendment in its equal protection clause, ("nor shall any state. . . deny to any person within its jurisdiction the equal protection of the laws")⁹⁴ does not prohibit discrimination that lacks sound basis.⁹⁵

For example, nothing in the Fourteenth Amendment prohibits medical schools from admitting students who make high marks on Medical Comprehensive Admission Test (MCAT) while rejecting those that score low, because it is reasonable to conclude that applicants who do well on the MCAT will do better in medical school than those who do not. The Fifth Amendment establishes identical standards.⁹⁶

Therefore it is not an issue of discrimination but rather an issue of "unjust discrimination" that is important. The courts analyze different categories of discrimination in different ways. For some types of discrimination, more than a rational basis is required.⁹⁷ If the discrimination involves a "suspect classification" or the denial of a "fundamental right," the courts will apply standards of "strict scrutiny" analyzing whether the government has a compelling interest that cannot be achieved by less restrictive means.⁹⁸ Racial discrimination is a "suspect classification" because no legitimate reason for racial discrimination exists.⁹⁹ However, case law has established that discrimination

based on sexual orientation does not fit into this category. It is not a "suspect classification;" legitimate reasons exist for treating homosexuals differently argue the pro-ban advocates, and homosexuality does not involve a "fundamental" constitutional right.¹⁰⁰

The Right To Serve

Mary Ann Humphries, in My Country My Right to Serve, declares that military service is "my constitutional right"¹⁰¹ by virtue of the Fifth Amendment protection against being deprived of "life, liberty, or property, without due process of law." Military service however has never been a right. Implicit in military personnel policies is the well-recognized legal principle that no one has a right to military service. Conversely, no one has the right to avoid military service.¹⁰² In his address to the House Committee on Armed Forces, Secretary Aspin quoted President Clinton in saying, "People should have the right to serve their country. And if denied the right, it should be on the basis of behavior, not status."¹⁰³ Using this logic we must ask how the fundamental right to be homosexual differs, theoretically or practically, from a right to other states of existence.

For example, any one excluded from military service could claim that exclusion impinged his right to be whatever characteristic the military determined was service-disqualifying. An applicant rejected for being overweight could claim he has right to be a person who enjoys food. Someone rejected for drug abuse could claim he has the right to use drugs so long as he does it on his time. In a legal sense, the right to "be" can only be upheld when in "the privacy of the integral components of one's personality" are determined to be the "essence of one's identity."¹⁰⁴ If the law could determine a way to test when some characteristic was integral or essential to one's personality, there is no principled, constitutional way to distinguish between personalities or identities for the purposes of affording constitutional protection to some and not others.¹⁰⁵ President

Clinton would have been correct had he said that people should have the "opportunity" to serve. Clearly there is no precedence for a right to service.

Loss of Available Manpower

The ban on homosexuals in the military does not deprive the armed forces of a valuable manpower resource. Currently there is not military necessity that warrants accepting everyone who applies. In fact only 2-3 percent of population is excluded by excluding homosexuals. In terms of discharges less than one-thirtieth of one percent of the military population has been discharged for homosexuality since 1991. Unlike Israel who has limited manpower pools or many of our European allies that have a one-year conscription, the US Army's professional, all volunteer status can afford to select only the best qualified recruits to maintain combat effectiveness.

Challenges to Military Readiness

Concern about the effect of known homosexuals upon unit cohesion and combat readiness have dominated the recent debate. This concern provides the basic rationale for the current policy that "Homosexuality is incompatible with military service."¹⁰⁶ Senior U.S. military leaders have stated that, in their professional judgment, the effects of having acknowledged homosexuals serving in the military would be substantial.¹⁰⁷ However research gathered on foreign armed forces and domestic fire and police departments do not support the claim.

In 1982, while serving as the Director of Military Personnel Management, then MG H. Norman Schwarzkopf testified in U.S. District Court (Matthews vs Marsh) in support of retaining the Army's homosexual exclusion policy. His rationale that homosexuals were unsuited for military service was based on the following five reasons:

- Homosexuals tend to polarize units.

- The privacy right of heterosexuals, with regard to living facilities, would be infringed.
- Allowing homosexuals to serve would damage the image of the Army in the eyes of the American people and demean its national role.
- Allowing homosexuals to serve would have a deleterious impact on duty performance, unit cohesion, order, and discipline.
- Homosexuals violate the Uniform Code of Military Justice (UCMJ) through the commission of sodomy.¹⁰⁸

In addition to Schwarzkopf's reasons, various other proponents of the exclusion policy add that: homosexual soldiers will endanger the blood supply. Medical problems associated with homosexuals will increased costs and will effect deployability. And the presence of known openly homosexual service members will adversely effect the high moral standards of the services.¹⁰⁹

Espirit and Cohesiveness

Cohesive units are built on soldiers tightly bonding together and dedicated to each other. The sustainment of soldier bonds and unit cohesion requires careful nurturing. Soldier-to-soldier and soldier-to-leader relationships cannot be neglected. Although the concern for effects on combat effectiveness and unit cohesion have dominated the debate, there has been no systematic study of this subject and no controlled experiments. The opinions of senior military leaders are based on their experiences and intuitive professional judgment. General Schwarzkopf told Senate Armed Services Committee members: "In every case I am familiar with, and there are many, when it became known that someone was openly homosexual, polarization occurred, violence sometimes followed, morale broke down and unit effectiveness suffered."¹¹⁰ Other service members testifying before the committee said there was no effect on unit cohesion when their sexual orientation was announced.¹¹¹

"when it comes to winning and losing wars, intangibles are decisive. No amount of money can buy cohesion, morale, esprit, discipline; these qualities arise out of the very essence of what it means to be a soldier, something which

military leaders alone understand and for which they alone should retain proprietary responsibility."¹¹²

In the terms of cohesion, determination that homosexuality is incompatible with military service is not a point of fact. The evidence reported on foreign militaries and domestic fire and police suggests it is not incompatible. Rather the determination is the exercise of professional military judgment in making a broad policy choice. To the senior leaders that support a ban on homosexuality it is a simple cost benefit analysis.¹¹³ The military must compare what it might gain by allowing homosexuals to serve with what it might lose. The U.S. military is not like foreign militaries nor domestic fire and police departments and while there are similarities the differences are too large to overlook.

The effect on cohesion is still an open issue. For every 'expert' opinion claiming an adverse effect, another claims no effect. No tests have been conducted nor are they possible, if homosexual service members keep their sexual preference secret. While evidence does not support outright an adverse effect on cohesion, additional research should be conducted to evaluate the effect of persons on the unit that do not share the same risks and hardships such as deployment and combat operations.

Medical Readiness

The medical issues and health associated risks require central consideration during any serious discussion of military policy with regard to homosexuality. The health and well being of service members is critical to the effectiveness of the armed forces.

Acquired Immunodeficiency Syndrome (AIDS) is a fatal, sexuality transmitted disease that contaminates blood. In the past 10 years, at least one million Americans have become infected with HIV.¹¹⁴ According to the World Health Organization (WHO), by the year 2000, 30 to 40 million people around the world could be infected with HIV.¹¹⁵

Eighty percent of all AIDS patients diagnosed prior to 1987 have died.¹¹⁶ As such, it has a dramatic impact on the military's medical readiness. Because HIV contaminates blood, it is efficiently spread through the exchange of blood by way of transfusions, intravenous drug abuse, accidental injection, and splattering of blood. HIV/AIDS infection potentially impact on the complete spectrum of military activities. As the number of HIV cases rises in the world, military planners must consider the strategic and tactical implications of protecting the blood supply. Special concern must be given to interaction with the local populace, conducting medical support to civilian casualties, intimate civilian contact, unit morale and political concerns.

Evidence demonstrates that homosexuals are highly prone to disease. They comprise a substantial majority of AIDS cases. More than 50 percent of homosexual men will contract Hepatitis B, even though they amount to only 2 to 3 percent of the population.¹¹⁷ A review of recent health studies indicates that homosexuals account for 80 percent of America's most serious sexually-transmitted diseases.¹¹⁸ Sexually-transmitted diseases (STDs) have traditionally been two to three times higher in US military troops than in that of the general, civilian population. However, "Youths engaging in homosexual conduct are 23 times more likely to contract a STD than heterosexual youths. Homosexuals are 14 times more likely to have had syphilis than heterosexual males."¹¹⁹ "Rectal intercourse is probably the most sexually efficient way to spread hepatitis B, HIV, syphilis and a host of other blood-borne diseases."¹²⁰

According to the Center for Disease Control, at least two-thirds of all AIDS cases in the US are directly attributable to homosexual conduct.¹²¹ In San Francisco, where there is an open validation of homosexuality, social and medical problems abound. The rate of

infectious Hepatitis A is twice the national average; Hepatitis B, three times the national average; and the rate of VD, 22 times the national average.¹²²

In the military, a recent study of HIV positive males revealed 42 percent admitted recent sex with a male partner.¹²³ 72 percent of those reporting having sex with a male also reported sex with women. 51 percent of those studied had no identifiable risk link. The results of the study suggest that many male soldiers are getting infected from sexual contact with other men and also engaging in sex with females increasing the at risk population. The detection of HIV also does not mean that the threat of spreading the disease diminishes. A study of homosexual outpatients determine they "were adopting safer sexual behaviors," in that 86 percent of those said they changed their behavior only after they had been diagnosed as being HIV positive - men continued to practice unsafe sex were characterized by their belief that "being gay for me means doing what I want sexually."¹²⁴ "Most of the women who got AIDS through heterosexual activity got it from "men who engaged in homosexual behavior."¹²⁵ Anyone infected with HIV can infect others through sexual promiscuity.

Currently, AIDS is continuing to spread at epidemic rates, from 14 million people infected in 1993 to 17 million today.¹²⁶ "San Francisco might lose 4 percent of its population in the 1990s to AIDS; New York, 2 to 3 percent. Some cities in East and Central Africa could lose 15 percent."¹²⁷

The US Army Medical Command estimates that each HIV/AIDS case costs the military approximately \$200,000 to \$300,000 (diagnosis to death)¹²⁸ and that the armed forces will spent over \$300 million on AIDS related medical costs to treat the 1214 service members currently on active duty dealing with HIV.¹²⁹ In 1992 the care of patients with HIV infection cost the US economy more than \$10 billion in direct medical costs, time

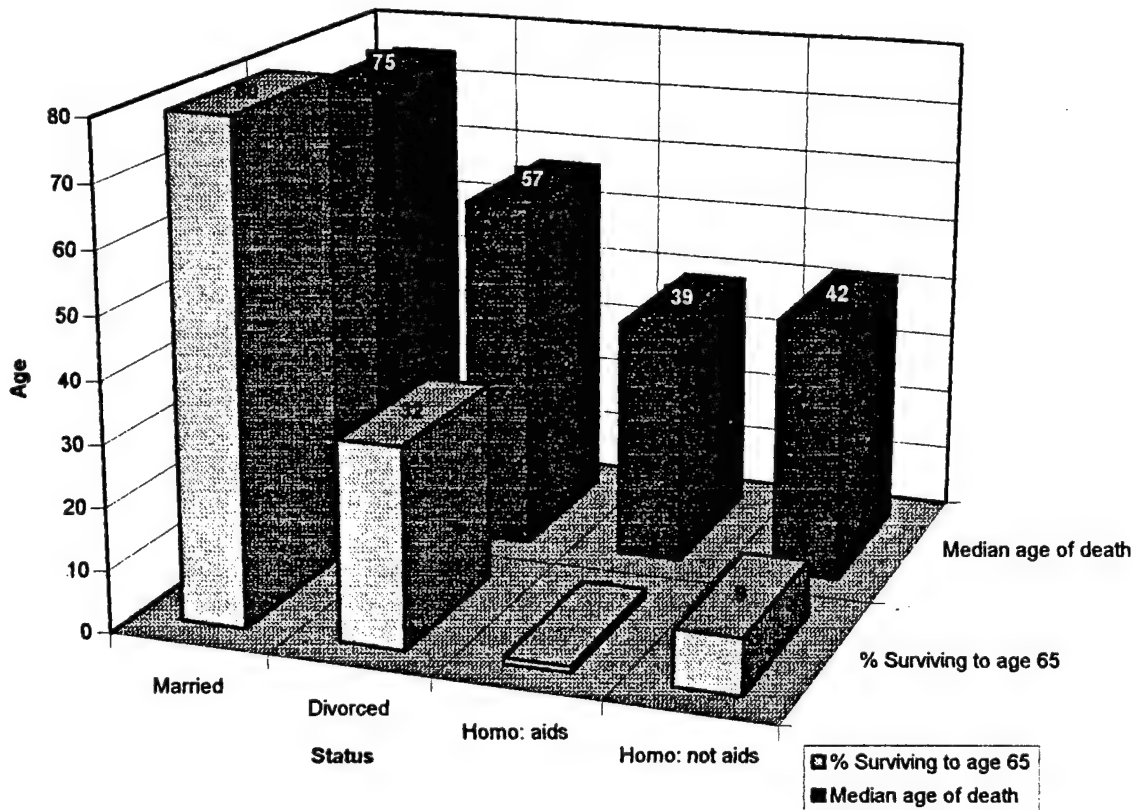
lost from work and other indirect costs.¹³⁰ The cost of a major AIDS epidemic in the armed forces is incalculable.

While blood screening for HIV is reasonably inexpensive (\$5-7.00 per person) and very reliable many outspoken homosexual organizations oppose the screening procedures as an infringement of their "rights."¹³¹ They fear that a positive test will result in discrimination against them.¹³² The demands of homosexual activists that military recruits not be tested for HIV seems illogical, but is consistent with the radical extremes of the homosexual movement.¹³³

In addition to the threat of HIV/AIDS, Hepatitis A & B and VD, homosexuals suffer from other debilitating diseases as a result of their sexual practices.¹³⁴ Symptomatic anorector disease is more common among homosexual men than among heterosexuals.¹³⁵ The risk of anal cancer of homosexuals is more than 12 times that of heterosexual men.¹³⁶ Homosexuals appear to suffer from extensive emotional problems.¹³⁷ Studies show a higher suicide attempt rate for homosexuals compared to heterosexuals.¹³⁸ In addition to these problems, a report by the National Lesbian Gay Health Foundation recently acknowledged that homosexuals are about three times as likely as heterosexuals to have had alcohol or drug abuse problems.¹³⁹

The result of a homosexual life style is a relatively short average life expectancy of forty-two years. This early mortality cannot be attributed entirely to AIDS, for the average life expectancy of a homosexual AIDS victim is thirty-nine years. Less than 2 percent of all homosexuals die of old age; primarily because less than 1 percent of AIDS victims reach 65.¹⁴⁰ Given this reason alone, the policy of exclusion should be considerable reasonable.

U.S. Male Life Span



Mobilization and Deployability

When addressing military readiness in terms of health issues, the availability of service members to perform their job or mission must also be assessed. Advocates of the ban argue that HIV-positive service members cannot perform their jobs, are not deployable, and therefore decrease the effectiveness of the unit by not being available to carry their fair share of the load. In an ongoing study by US Army Medical Research and Development Command, HIV positive soldiers match their uninfected brethren with regard to performance, promotion rates, demotion rates and disciplinary action in the initial stages of their HIV.¹⁴¹

Mandatory screening for HIV began in force in 1986. Between 1982 and 1986, the numbers were relatively low: a total of 274 AIDS cases were reported by the Department of Defense.¹⁴² Today over 1200 cases are active in the US military.¹⁴³ DOD's current HIV testing policy is once every two years and/or just prior to deployment.¹⁴⁴ Currently, most soldiers who test positive are asymptomatic at time of diagnosis, and the result is often an incredible shock.¹⁴⁵ If a soldier tests positive for the virus by Western blot, he is usually medically evacuated to one of the major military medical centers. He receives a full physical exam, his blood is tested for the number of T-cells, and his immune system is assessed. Based on this information, he is classified in the Walter Reed staging system.¹⁴⁶

As well as affecting health, social, and sexual relationships, the HIV condition also immediately restricts military assignments. If the service member does not show evidence of impaired immunity or dementia on staging, he is normally retained on active duty. However, *he is not deployable for combat, may not be stationed overseas*, and thus is often transferred to a different unit. If he does show signs of immunological disability or disabling cognitive impairment, he is medically retired, usually with full medical benefits.

These signs normally happens at stages 2 or 3.¹⁴⁷ The effect on a unit can be substantial when a member is removed from the unit prior to deployment. The bi-annual testing for HIV may not be adequate to detect the HIV infection quickly enough if homosexuals were allowed to serve openly.

Good Order, Discipline and Morale

Homosexual conduct is often viewed as aberrant behavior by heterosexuals.¹⁴⁸ There is widespread concern among members of the military that homosexuals will be given special treatment and that efforts to "educate" heterosexuals will be made to change their attitudes.¹⁴⁹ It is not surprising that American society has traditionally regarded homosexuality with disapproval.¹⁵⁰ The moral values of western civilization are derived primarily from the Judeo-Christian traditions found in the Bible. Both Old and New Testaments strongly condemns homosexuality.¹⁵¹ The Founding Fathers based their values upon the teachings of Judeo-Christian morality.¹⁵² It is these values that shaped the nation and framed the laws which American society has determined are acceptable. And while tolerance of homosexuality may be changing in America there is no evidence that suggests the homosexual population is increasing significantly or that there is any widespread consent to legalize sodomy or give homosexuals special privileges or rights due to their orientation.¹⁵³

Attempts to change heterosexual attitudes and educate them on homosexual sensitivity had a negative effect and fostered deeper resentment from heterosexual members of the fire and police departments.¹⁵⁴

Attitudes of those serving in the armed forces indicate that a higher percentages opposes homosexuals being permitted to serve.¹⁵⁵ The polls indicated that service members feared sharing quarters and were concerned about the spread of AIDS. Many

viewed homosexuality as immoral and contrary to their religious beliefs, and an overwhelming majority expressed the opinion that homosexuals would be subject to violence.¹⁵⁶

"Aside from the issues concerning the good order and discipline of the military we must remember that the military consists largely of young single men and women. The majority of these men and women are serving at duty assignments far from home, family, school, church, and other influences which provide stability and restrain their behavior. In the absence of such influences, the military needs to provide another means of maintaining high moral standards."¹⁵⁷

As homosexuals crusade for their individual rights, concerns about privacy are cited by those who oppose lifting the ban. Often, military members find themselves in situations where there is very little privacy, such as in the field, common barracks, or aboard ships. Issues of privacy will also include considerations for homosexual marriage, assignment of barracks rooms, eligibility for government quarters and rights to off-post housing. Additionally, a right to have or adopt children and have them cared for by the military system must also be considered.

Privacy is an important issue that must be resolved before any change can take place. The armed forces currently do not require men and women to sleep in the same rooms or share the same bathing facilities. "The assignment of heterosexuals and homosexuals to the same barracks rooms threatens morale and team cohesion, which are essential ingredients of combat readiness."¹⁵⁸ While newer military facilities provide greater privacy today than two decades ago, service members, unlike their civilian counterparts (even those in the fire and police departments studied earlier), must spend prolonged periods of time under field and deployed conditions. Advocates of the ban cite that "the thought of someone becoming sexually aroused watching you dress or shower is

disconcerting. Sexual advances and the fear of such advances under these circumstances will damage morale."¹⁵⁹

According to Secretary of Defense Aspin in his July 21, 1993 testimony to the House Armed Services Committee, the administration has "no evidence that homosexual soldiers are less capable or more prone to misconduct" than heterosexual soldiers. Defenders of the ban argue that as a group, homosexuals are more likely to be involved in activities such as child molestation, drug and alcohol abuse, anti-social behavior, and battery, in addition to sodomy, than the general population.¹⁶⁰ However there is no evidence that shows *homosexual soldiers* are any more prone to these acts of misconduct than heterosexual soldiers.

Approximately one-third of all child molestations involve homosexual activity.¹⁶¹ If the homosexual community constitutes 2-3 percent of the population and commits 33 percent of child molestations, then homosexuals are many times more likely to engage in this activity than heterosexuals.^{162 163} Battery by each other is the third greatest health risk among homosexuals.¹⁶⁴ In addition to disciplinary problems legal issues concerning the sanctioning of homosexual marriages, rights and privileges of "dependents," and the surge of legal suits seeking reinstatement of former homosexual service members and restitution for lost wages must be considered if homosexuals are allowed to serve openly.

Incorrect perceptions exist that the military discharges large numbers of personnel for homosexuality and that most of those discharged are for homosexual status only. Additionally some believe the military prosecutes homosexual sodomy cases but does not prosecute heterosexual sodomy cases. An analysis of military separations for the four years 1991 through 1994 reveals that approximately one-third of one percent of all separations were for homosexuality.¹⁶⁵ Of those discharged for administrative or punitive

reasons only 15 percent were homosexuality.¹⁶⁶ Drug and alcohol abuse discharges were nine times greater than those for homosexuality and overweight discharges were five times greater.¹⁶⁷ Of all discharges for homosexuality, about 79 percent clearly involved homosexual conduct.¹⁶⁸ Of the 1,141 military courts-martial involving Article 125 (Sodomy), heterosexual sodomy cases outnumbered homosexual sodomy cases by a 4 to 1 ratio.¹⁶⁹

In FY 90 of 928 soldiers discharged from the Army for homosexuality, only 80 received OTH discharges. 742 or 79.9 percent were honorable as rated by commanders (88 were not characterized). On the other hand, during the same time frame, of the 42,394 soldiers who were discharged for various reasons, only 53.5 percent received discharges in the honorable category. Nearly 30 percent of those discharged for homosexuality made their commands aware of their sexual orientation in an effort to facilitate a discharge.¹⁷⁰ Since the new policy has gone into effect in February 1994 the number of discharges remains about the same while those using sexual orientation as a means for a discharge has almost doubled.¹⁷¹

The analysis of administrative and legal actions does not suggest that most homosexuals are drug and alcohol abusers, child molesters or criminals. Those that have served or are serving for the most part play by the rules, they keep their sexual orientation private and live comfortably within the established norms of each service. The facts, however, do demonstrate that a disproportionate number of homosexuals are involved in child molestation, drug abuse and battery. If the armed forces allowed homosexuals to serve openly, then we should expect to see discipline and legal problems in these areas increase proportionally with the number of homosexuals being admitted.

V. CONCLUSION

The effect of openly serving homosexuals on military readiness does not lend itself to simple conclusions. There is conflicting data on the subject indicating that more study and research is needed. There are however a number of tentative conclusions and insights that can be drawn from the research.

Cohesion

The debate over the effect on cohesion is the most difficult to evaluate. There is no way to quantify the effect of a known or suspected homosexual on the cohesion of a military unit. While the evidence gathered here does not support the claim that homosexuality is incompatible with military service, the professional judgment of those charged with ensuring effectiveness and readiness claim homosexuality is incompatible. Since it is impossible to identify the real number of homosexuals in the military, an accurate evaluation cannot be conducted. Both sides provide good arguments and it is likely that neither side will ever prove its case in terms of cohesion.

Worldwide deployment

In light of the overwhelming evidence of physical and mental health problems within the homosexual community, openly allowing homosexuals into the military could create a large group of non-deployable service members. Once detected with HIV or a number of other debilitating diseases discussed earlier, service members are currently not discharged immediately. Rather they are restricted in their military assignment and are not deployable for operations and may not be stationed overseas. Current law requires separation of servicemembers who are non-deployable yet restricts the services from discharging its members solely for being only HIV positive.¹⁷² Retaining HIV-positive personnel on active duty has the potential to impact adversely on unit cohesion. Although

current regulations insure privacy to HIV-positive personnel, it is reasonable to expect that those not deploying (hence not sharing common hardships) will be viewed with suspicion, even hostility. Perhaps the real issue here is with the Armed Forces retention policy rather than with the specific policy on homosexuals.

Health and Fitness

In the face of the evidence - AIDS, rectal injury, rectal cancer, emotional problems, alcohol and drug abuse, suicide and shortened life expectancy, it is reasonable to discriminate against behavior that is self destructive. The military system is designed to be selective of its members because of the unique nature of its mission. The conclusion that the presence of larger numbers of homosexuals in the military will lead to major health problems for the entire force is inescapable. The spread of disease, medical costs, time lost from duty and premature deaths are serious concerns that cannot be measured in solely economic terms.

"Congress has defined broad standards for military enlistments and appointments: age, mental ability, physical condition, and moral character."¹⁷³ However, more than mere capacity to perform a job has always been implied by these standards. Recruiting regulations aim to select persons who have no extraordinary medical or psychological needs; persons who can readily adapt to the loss of their individuality and liberty; and persons whose personal behavior pose no risk to themselves, their comrades, or military order. Consequently, the enlisting of homosexuals can be expected to place a disproportionately high demand on military medical and mental-hygiene facilities.¹⁷⁴

One of the most convincing pieces of evidence to show the health risks of the homosexual community is the effects on life span. "Homosexual lifestyle does, indeed, pose a real health risk to those who choose it."¹⁷⁵ While it is common knowledge that smokers

and drug abusers do not live as long as non-smokers or non-drug abusers, society is now establishing laws against smoking in public places and outlaws drug abuse. The typical lifespan of a homosexual suggests that their activities are far more destructive than smoking and at least as dangerous as drug abuse. Any behavior or lifestyle that can reduce a person's expected lifespan by nearly one-half needs to be very strongly addressed as a health risk. Other considerations include the safety of the blood supply as well as the possibility of spreading HIV/AIDS to others through personal contact.

Legal standards

The current "Don't ask, Don't tell" policy allows homosexuals to serve in the armed forces, however, the UCMJ makes no exception for homosexual conduct. If homosexuals are allowed to serve as with the current policy of "Don't ask, Don't tell," but Article 125 of the UCMJ remains unchanged, then homosexual acts are legally forbidden. Since it is unrealistic to expect most homosexuals to remain celibate, either the UCMJ or the current policy of "Don't ask, Don't tell" must be changed.¹⁷⁶ It is inconsistent to have a policy that allows homosexuals to serve in the military, yet prosecutes them under UCMJ for the very conduct that affirms them as homosexuals. This conflict creates significant tension between the policy and the law. There are significant legal and regulatory issues that need to be addressed in detail as the military further defines its personnel policies regarding homosexuals.

"One year after the Pentagon's new policy regarding homosexual service members took effect, gay rights supporters and opponents agree on one thing. They don't think the policy is working."¹⁷⁷ "DOD is doing such a bad job of enforcing the policies that it risks having courts say it cannot kick any homosexuals out."¹⁷⁸ In a March 30, 1995 decision by the US District Court for the Eastern District of New York, Judge Eugene Nickerson

ruled that the "Don't ask, Don't tell, Don't pursue" policy violated the constitutional right to free speech of the six plaintiffs involved. In this case, the first legal challenge to the new policy, Judge Nickerson dismissed the governments contention that the military alone can determine who can and cannot serve.¹⁷⁹

In respect to Don't ask, Don't tell, the salient point is that what the military doesn't know can't hurt it. Perhaps this is the wrong position for the military to assume. Perhaps a policy that allows open homosexuals to serve but requires them to acknowledge their presence in light of the medical readiness issues is more appropriate. If our personnel policies are truly based on behavior then clear standards of conduct can reinforce those that already exist. HIV/AIDS or other debilitating diseases should be considered grounds for immediate medical retirement to prevent large numbers of non-deployable members on active duty.

The debate on homosexuals in the military is far from over. The current policy may be only a springboard from which future challenges will be launched. As challenges to military personnel policy are answered, clear guidance should direct future policy in an effort to maintain a combat efficient and ready force.

In the familiar words of Napoleon and repeated by Foch and Marshall: "In war the morale is to the material as three to one." Among fighting men morale endures only so long as the chance remains that ultimately their weapons will deal a greater blow to the enemy. America's smaller, force projection military cannot risk beginning its next war at anything less than the highest state of readiness. More study is required if the military is to understand the truth and face the consequences.

ENDNOTES

1. Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, The White House, January 29, 1993.
2. Department of Defense Directive (DOD) 1332.30 Separation of Regular Commissioned Officers and DODD 1332.14, Enlisted Administrative Separations, Office of the Secretary of Defense (OSD) Personnel, Washington, DC; 21 December 1993.
3. RAND; Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments, Santa Monica; 1993 p. 5-6.
4. Hearing before the Committee on Armed Services House of Representative, 103d Congress, First Session May 4-5, 1993; File # 201-36. For example:

"And now," says lawyer-activist Bob Wightman of Arlington, Texas, "when Bill Clinton lifts the ban, he is going to push national acceptance of homosexuality. It's not just going to push people out of the closet in the military - it's going to push people out of the closet all over the country. It's going to be OK to be homosexual." (Newsweek, "Gays in the Military," 1 February 1993)

"Other gays are fighting back as well - and all are providing new test cases for the gay-rights movement, which sees Pentagon policy as a prime target in the campaign to change attitudes of society at large." (Newsweek, "Gays in the Military," 1 February 1993.)

"We have taken on the most conservative institution in America and forced it to at least discuss domestic partnership," Osborn said. "Down the line, we will get gay marriage. We're going to get the military to recognize us and our partners. We're going to promote our agenda. We're ready, and this march signals a new era." (Torie Osborn, executive director, National Gay and Lesbian Task Force, in "Gay Activists Summon Their Hopes, Resolve," The Washington Post, 18 April 1993.)

"This will truly be a massive effort," and David Mixner, a Los Angeles gay activist and Clinton campaign advisor who will head the coalition fund-raising efforts. "We are fighting for survival as a civil rights movement." (Los Angeles Times, "Coalition Fights to Lift Ban on Homosexuals in the Military," 5 February 1993)

"What has been demonstrated this last week is it is not enough to have the President of the United States on your side," observed David M. Smith, Executive Director of the Los Angeles branch of the Gay and Lesbian Alliance against Defamation. "It's incumbent upon us to change public attitudes." Los Angeles Times, "Coalition Fights to Lift Ban on Homosexuals in the Military," 5 February 1993)

"This struggle will determine in some fashion the outcome of every civil-rights issue confronting this community for the next decade and beyond. This is not a fight about the military. This is a fight of every lesbian and gay American for their place in society." (Thomas Stoddard, Coordinator of the Campaign for Military Service, quoted in the New York Times, "Gay Groups Regrouping for War on Military ban," 7 February 1993)

Based on these and other statements it is quite clear that if homosexuals are admitted, they will not be satisfied with merely acknowledging their status.

They want quotas:

"We intend to sue in Federal Court as soon as the ban is lifted to insure compensatory representation in the service academies. In particular, we intend to get a ruling mandating a set number of places for homosexuals in the Air Force Academy, the Naval Academy,

and West Point. . . Furthermore, we intend to see any official of a military school charged in a civil rights violation if they attempt to harass homosexuals. . . ." (ACT UP member, Bob Wingate in a letter to Superintendent, United States Military Academy, on 26 November 1992.)

They want to stop HIV screening:

"Someone's HIV status shouldn't be a determining factor for a job, and the military is a job." (Daniel T. Bross, executive director of the AIDS Action Council in a Washington Times article, "Gay Activists Protest HIV Testing and Military." 1 December 1992)

They want more than acceptance, they want to change society's behavior:

"We ought to advertise our potential to change straight society in radical, beneficial ways. Straights have much to learn from us: first and foremost the fact that pleasure is possible (and desirable) beyond the sanctions of the state. Another fact gleaned from gay experience--that gender is for all intents and purposes a fiction--also has the potential to revolutionize straight lives." (Donna Minkowitz, a lesbian writer in The Advocate article "Recruit, Recruit, Recruit." (29 December, 1992)).

"Gay men should wear their sexually transmitted diseases like red badges of courage in a war against a sex-negative society." (Edmund White in The Joy of Gay Sex)

"Every time I get the clap I'm striking a blow for the sexual revolution." (Michael Callen in Surviving AIDS)

"I haven't worked for 30 years to give gays the right to be celibate." (Frank Kameny, "guru of the gay-liberation movement," quoted in Newsweek, "Gays in the Military," 1 February 1993)

5. James Burk, "Power, Morals and Military Uniqueness" Society, Nov/Dec, p. 29.

6. Ibid.

7. Joint Pub 1-02, Department of Defense Dictionary of Military and Associated Terms, 23 March 1994, p. 237.

8. Van Creveld, Martin, Command in War., Cambridge, Massachusetts, and London, England: Harvard University Press, 1985.

9. Mellissa Wells-Petry, Exclusion, Homosexuals and the Right to Serve; Washington DC, Regnery Gateway, 1993, p. 92.

10. Department of Defense Directive 1332.14 reads as follows: "Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the Military Services to maintain discipline, good order, and morale; to foster mutual trust and confidence among service members; to ensure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the Military Services; to maintain the public acceptability of military service; and to prevent breaches of security."

11. Ibid.
12. Ibid.
13. Webster's Third New International Dictionary (Unabridged) GEC Merriam Company, Springfield, MA, 1976.
14. A common theme that runs through much of the literature for both sides of the issues addresses manpower loss if gays are not allowed to serve. See Ray, Eidsmore, Wells-Petry, Shilts and Steffan.
15. Alfred C. Kinsey, Sexual Behavior in the Human Male, Philadelphia; Sanders & Co, 1948.
16. Kinsey never said 10 percent of the population was homosexual. About 25 percent of Kinsey's 5,300 male subjects were former or present prisoners, of which a high percentage were suspected of being sex offenders and as many as 200 male prostitutes. Actually Dr. Kinsey concluded that: 37 percent of the total male population has at least some overt homosexual experience to the point of orgasm between adolescence and old age . . . 13 percent of the [male] population has been more or less homosexual than heterosexual for at least three years between the age of 16 and 55. . . 10 percent of the males are more or less exclusively homosexual for a least three years between the ages of 16 and 55. . . 8 percent of the males are exclusively homosexual for at least three years between the ages of 16 and 55. . . 4 percent of the white males are exclusively homosexual throughout their lives, after the onset of adolescence.
17. In a confidential survey the US Census Bureau asked 10,000 male subjects quarterly since 1988 "if" you are a man who has had sex with another man at sometime since 1977, even one time."
18. Rand, p. 43.
19. Ibid, p. 43-49; Appendix F, p. 436-456.
20. Dr. J. Gorden Muir, Kinsey, Sex and Fraud, Huntington House Publishers 1990, Results of a few of the surveys as noted in an article by Dr. Muir March 31, 1993 magazine unknown)
 - France: A 1991-92 government survey of 20 ,055 adults reports that 1.4 percent of men and .4 percent of women had had homosexual intercourse in the five years preceding the survey. The exclusive lifetime homosexual rates were 0.7 percent for men and 0.6 percent for women; lifetime homosexuality experience was 4.1 percent for men and 2.6 percent for women.
 - Britain: A 1990-91 nationwide survey of 18,876 adults aged 16 to 59 reports that 1.4 percent of men had had homosexual contact in the five years preceding the survey. Only 6.1 percent of men had any lifetime homosexual experience.
 - U.S.: A nationwide 1989 household sample of 1,537 adults conducted by the National Opinion Research Center at the University of Chicago finds that of sexually active adults over 18, 1.2 percent of males and 1.2 percent of females reported homosexual activity in the year preceding the survey; 4.9 percent to 5.6 percent of both

sexes reported since age 18 having had partners of both genders, and 0.6 percent to 0.7 percent exclusively homosexual partners.

U.S. a stratified cluster sample from the Minnesota Adolescent Health Survey (1986-87) of 36,741 public school students in seventh through 12th grade found that 0.6 percent of the boys and 0.2 percent of the girls identified themselves as "most or 100 percent homosexual"; 0.7 percent of the boys and 0.8 percent of the girls identified themselves as "bisexual"; and 10.1 percent of males and 11.3 percent of females were "unsure."

Canada: A nationwide cluster random sample of 5,514 first-year college students under age 265 finds 98 percent heterosexual, 1 percent homosexual.

Norway: A 1987 nationwide random mail sample of 6,155 adults age 18-60 finds that 0.9 percent of males and 0.9 percent of females had homosexual experiences within three years of the survey, and 3.5 percent of males and 3 percent of females had ever had any homosexual experience.

Denmark: A 1989 stratified random sample of 3,178 adults age 18-59 finds homosexual intercourse reported by 2.7 percent of sexually experienced males. Less than 1 percent of men were exclusively homosexual. Many other studies also vary greatly from the Kinsey research, which in retrospect has little validity. (The widely publicized new "Janus Report" - 9 percent of men and 5 percent of women may be considered homosexuals" - was based on a non random sample, among other problems. Methodological flaws are likely to have contributed to its out-of-step results.)

21. Marshall Kirk and Hunter Madsen, After the Ball: How America Will Conquer Its Fear and Hatred of Homosexuals in the 90s, New York: Doubleday, 1989 p. 153-154.

22. John B. Roos; editorial Armed Forces Journal, March 1993, p. 2.

23. A.P. Bell, M.S. Weinberg and S.K. Hammersmith, Sexual Preference (Bloomington, Indiana University Press, 1981) indicated that 3 percent of homosexuals had fewer than 10 lifetime sexual partners. Only about 2 percent of homosexuals could be classified as monogamous or semi-monogamous (10 or fewer lifetime partners).

Another study (Corey, L. and Holmes, K.K., "Sexual transmission of hepatitis A in homosexual men, The New England Journal of Medicine, 1980, 302:435-438, the number of annual sexual partners was nearly 100 for those in the homosexual study.

In Haverkos's report, The Epidemiology of [AIDS] Among Heterosexuals, 260 J.A.M.A. 1922-29 (1988) ("homosexual men. . . reported a median of 1,160 lifetime sexual partners, compared with. . . 81 for Haitian men. . . and 40 for male heterosexual intravenous drug users");

Collier, Cytomegalovirus Infection in Homosexual Men: Relationship to Sexual Practices, Antibody to Human Immunodeficiency Virus, and Cell-Mediated Immunity, 82 Am. J. Med. 593-601 (1987) ("[t]he homosexual men had significantly more sexual partners in the preceding one month, six months, and lifetime (median 2, 9, and 200 partners, respectively");

Ostrow, Sexually Transmitted Diseases and Homosexuality, 10 Sex, Trans. Diseases 208-15 (1983) (the "median number of lifetime sexual partners of the [more than] 4,000 [homosexual] respondents was 49.5. Many reported ranges of 300-400, and 272 individuals reported 'over 1,000' different lifetime partners");

Guinan, Heterosexual and Homosexual Patients with the Acquired

immunodeficiency Syndrome, 100 *Annals Internal Med.* 213-18 (1984) ("[h]eterosexual patients from all risk groups reported considerably fewer sexual partners than did homosexual men, both for the year before onset of illness and lifetime. . . . Homosexuals has a median of 68 partners in the year before entering the study, compared to a median of 2 for heterosexuals. . . . Homosexuals in the study had a median of 1,160 lifetime partners, compared to a median of 41 for heterosexuals in the study");

Gold, Unexplained Persistent Lymphadenopathy in Homosexual Men and the Acquired Immune Deficiency Syndrome, 64 *Med.* 203-13 (1985); (in a study of 93 homosexuals, the "mean number of estimated lifetime sexual partners was 1,422 (median, 377, range 15-7,000).

A 1984 study by the American Psychological Association's Ethics Committee, reported in USA Today (November 21, 1984) indicates that fear of AIDS had lowered homosexual promiscuity rate from 70 different partners a year in 1982 to 50 partners per year in 1984. Even at this "safe sex" rate, a homosexual would still total over 600 sexual partners from his 18th to his 30th year.

Bell and Weinberg, Homosexualities. A Study of Diversity Among Men and Women (New York, Simon and Schuster) 1978, pp. 308-309. This study says 42 percent of homosexuals had 500 or more lifetime sex partners; 75 percent had 100 or more partners; 28 percent had 1,000 or more lifetime sex partners; 79 percent said more than half their partners were strangers; 70 percent said more than half their sexual partners were men with whom they had sex only once.

24. Ibid.

25. According to Roger Magnuson in "Are Gay Rights Right?" The Berean League, January 1988, "San Francisco alone has been a venereal disease rate 22 times the national average since gay rights laws were passed in our city. There's been a 100 percent increase in the spread of infectious hepatitis A; a 300 percent increase in Hepatitis B; amoebic colon infections increased 2,500 percent; venereal disease clinics see 75,000 patients every year, of whom 80 percent are homosexual males; 20 percent of them carried rectal gonorrhea."

26. Ibid.

27. Ibid.

28. Ibid.

29. Ibid.

30. Ibid.

31. Ibid.

32. ACT-UP (AIDS Coalition to Unleash Power) member, Bob Wingate sent a letter to the Superintendent, United States Military Academy, on November 26, 1992. In the letter he said, "We intend to sue in Federal Court as soon as the ban is lifted to insure compensatory representation in the service academies. In particular, we intend to get a ruling mandating a set number of places for homosexuals in the Air Force Academy, the

Naval Academy and West Point. . . . Furthermore, we intend to see any official of a military school charged in a civil rights violation if they attempt to harass homosexuals. . . ."

33. Gay, Lesbian, and Bisexual Military Freedom Project, this is an undated document. It claims to represent a coalition of veterans, human rights, and activist organizations.

34. Daniel T. Bross, executive director of the AIDS Action Council said in a Washington Times article, "Gay activists protest HIV testing in military," (December 1, 1992), "Someone's HIV status shouldn't be a determining factor for a job, and the military is a job."

35. Enrique Trueda, The Homosexual Network: Private Lives and Public Policy, Washington, DC: Devin Adair Co., 1982 as cited by Ronald Ray, Military Necessity and Homosexuality, Louisville, KY, First Principle 1993, p. 5-6. The demands include the following:

1. Amend all Civil Rights laws to prohibit discrimination on the basis of sexual orientation;
2. **Permit homosexuals to serve in the Armed Forces;**
3. Allow the entry, immigration and naturalization of homosexual aliens;
4. Federal encouragement and support for pro-homosexual sex education courses in public schools; prepared and taught by gay men and women, presenting homosexuality as a valid, healthy preference and life-style;
5. Regulations and legislation banning the compiling, maintenance and dissemination of information on an individual's sexual preferences, behavior, social and political activities;
6. Federal funding for all homosexual organizations and advocacy groups;
7. Immediate release of all sexual offenders now incarcerated for crimes related to sexual orientation;
8. Decriminalize private sex acts between consenting "persons;" repeal all state laws prohibiting solicitation for private voluntary sexual liaisons; and laws prohibiting solicitation for private voluntary sexual liaisons; and laws prohibiting prostitution, both male and female.
9. Enactment of legislation prohibiting insurance companies and any other state regulated enterprises from discriminating because of sexual orientation, in insurance and in bonding, or any other prerequisite to employment or control of one's personal demeanor;
10. Repeal all laws governing transvestitism and cross-dressing;
11. Repeal all laws governing age of consent;
12. Repeal any legal restrictions on the sex or number of persons entering into a marriage unit.

See e.g., Nancy Sutton, From Stonewall to the White House How homosexuals advanced from street rioters to guests at the White House in 20 years (Needham, MA: Family First, Inc., 1991).

36. GAO Report Homosexuals in the Military: Policies and Practices of Foreign Countries, Washington, DC, June 25, 1993 and RAND Corporation study Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment, National

Defense Research Institute, Santa Monica, CA, 1993, Chapter 2.

37. The Manuals for Court-Martial, 1917, defined sodomy as anal penetration of a man or woman by a man; both parties involved were equally guilty of the offense. In these regulations, penetration of the mouth did not constitute sodomy. In the regulations that accompanied the revision of the Articles of War in 1920, however, The Manuals for Courts-Martial redefined sodomy as anal or oral copulation between men or between a man and woman (Jeffrey S. Davis, "Military Policy Toward Homosexuals: Scientific, Historical, and Legal Perspectives." Military Law Review 131, 1991, p. 73).

38. Ibid. and Manual for Courts-Martial, United States, 1921, para. 443.

39. Alan Be'rube', Coming Out Under Fire: The History of Gay Men and Women in World War II, New York: The Free Press, 1990 pp. 10-18.

40. RAND; Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments, Santa Monica; 1993 p. 5-6.

41. Ibid.

42. Ibid.

43. Ibid.

44. Ibid., p. 6-7.

45. Ibid.

46. Colin J. Williams and Martin S. Weinberg, Homosexuals in the Military: A Study of Less Than Honorable Discharge, New York: Harper and Row, 1971, p. 102. The procedures of Interrogation are outlined on pp. 100-114.

47. The directive was issued in response to numerous court challenges, such as *Matlovich v. Secretary of the Air Force*, 591 F.2d 852, D.C. Cir. 1978, questioning why some open homosexuals were discharged while others were retained. The 1981 directive removed the military's discretion in deciding whether to retain an open homosexual, making such discharge mandatory. The results of the review were reflected in the new edition of DOD Directive 1332.14, issued on January 16, 1981. In a memorandum accompanying the new directive, outgoing Deputy Secretary of Defense Graham Claytor, noting that his revision "contains no change in policy," explained that the enclosure on homosexuality (a new Enclosure 8 to the 1976 version of Directive 1332.14) had been completely revised. The purpose of the new enclosure was to make it clear that, based on an investigative finding that a person "engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act," discharge was mandatory. See RAND p. 7-8.

48. DOD Directive 1332.14 January 16, 1981, enclosure 8.

49. RAND, p. 8.

50. DOD Directive 1332.30 Separation of Regular Commissioned Officers.
51. United States General Accounting Office, Defense Force Management: DOD's Policy on Homosexuality, GAO/NSIAD 92-98, Washington, D.C.: U.S. Government Printing Office, June 1992. These figures are calculated from statistics in a supplement to the report, *Statistics Related to DOD's Policy on Homosexuality*, pp. 22-30.
52. RAND, p. 10.
53. The 1991 National Survey of Men, a nationally representative study of 3,321 males age 20 through 39 years of age (Billy et al., 1993) reports that 75 percent have performed and 79 percent have received oral sex. Among those currently married, the numbers were slightly higher. Similar results are reported for homosexual males, e.g., the Pittsburgh Men's Study.
54. GAO Report Homosexuals in the Military: Policies and Practices of Foreign Countries, Washington, DC, June 25, 1993 and RAND Corporation study Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment, National Defense Research Institute, Santa Monica, CA, 1993, Chapter 2.
55. Ibid., p. 11 and GAO report, p. 48..
56. RAND, p. XIX.
57. Ibid, p. 12. GAO report confirms this statement but indicated that certain restrictions may apply to an individual's duty assignment, p. 21.
58. Ibid.
59. GAO Report, p. 41.
60. Ibid
61. Ibid.
62. GAO Report, p. 45.
63. Ibid.
64. Ibid.
65. Ibid.
66. Ibid., p. 49.
67. Ibid.
68. Relevant Canadian Regulations CFAO-19-36, Sexual Misconduct as cited in GAO report, p. 29-30.

69. RAND, p. 13.
70. Ibid and GAO, p. 26.
71. Ibid., p. 14 and GAO Report, p. 33-37.
72. Ibid. See Appendix D of the RAND study for survey results concerning attitudes toward homosexuality in Canada, the U.S. and the U.K. In the Netherlands, easily the most tolerant and encouraging environment for homosexuals to serve, fewer than 1 percent of the men in the Dutch military identified themselves as "predominantly homosexual" on a questionnaire; 3.5 percent of women indicated that they were homosexuals; and 4.8 percent of the men stated that they had had homosexual experiences at some time in their lives.
73. GAO Report, p. 3.
74. RAND, p. 14-15.
75. Ibid, p. XIX.
76. Ibid.
77. Ibid., p. 16-17 and Chapter 4.
78. Ibid.
79. Ibid.
80. Ibid., p. XX.
81. Melissa Wells-Petry, Exclusion: Homosexuals and the Right to Serve, Washington DC; Regnery Gateway, 1993, p. 4-5.
82. RAND, p. 158.
83. Ibid., p. 20.
84. Ulysses Lee, United States Army in World War II: Special Studies. Employment of Negro Troops, Washington, D.C., Office of the Chief of Military History, United States Army, 1966, pp. 47, 55-65; Alan M. Osur, Blacks in the Army Air Force During World War II, Washington, D.C., Office of Air Force History, 1977, pp. 20-23.
85. RAND, p. 22.
86. Morris J. MacGregor, Integration of the Armed Forces 1940-1965, as cited by Ray, Military Necessity and Homosexuality, p. 85.
87. General Colin L. Powell, Powell 'Gays in the Military. Far More Complicated Issue', Air Force Times, 14 Dec 92.

88. David Horowitz, "The Queer Fellows," American Spectator (January 1993), p. 43.
89. Ibid., p. 45.
90. RAND, p. 20.
91. Ibid.
92. Wells-Petry, p. 5.
93. Ibid.
94. Constitution of the United States of America, Fourteenth Amendment 1868.
95. Ibid.
96. Ibid., p. 43.
97. Ibid.
98. Ibid.
99. Ibid.
100. Ibid.
101. Mary Ann Humphries, My Country. My Right to Serve, New York: Harper Collins, 1990, xvii.
102. Wells-Petry cites the following court cases that establish the legal principle that there is neither a right to service nor a right to avoid service. E.G. *Alberico*, 783 F:2d 1024; *Crawford v. Cushman*, 531 F:2d 1114 (2d Cir. 1976); *Lindenau*, 663 F:2d at 72; *Pauls v. Sec'y of Air Force*, 457 F:2d 294 (1st Cir. 1972); *Doe v. Alexander*, 510 F:Supp. 900. See, e.g., *Kennedy v. Mendoza-Martinez*, 372 U.S. 144 (1942).
103. Aspin before the House Committee on Armed Services, p. 4.
104. Ben-Shalom I, 489 F.Supp at 975 E.D. Wis. 1980.
105. Wells-Petry, p. 45-46.
106. DOD Directive 1332.14 Enlisted Administrative Separations 21 Dec 1994.
107. Summary Report of the Military Working Group OSD. Washington DC, 1 July 1993. On 8 June 1993 the OSD Working Group of five Senior Military Officers representing each service found that, "the presence of open homosexuals in a unit would, in general, polarize and fragment the unit and destroy the bonding and singleness of purpose required for effective military operations. This phenomenon occurs whether or not homosexual acts are involved. By simply stating that he or she is a homosexual, the

individual becomes isolated from the group and combat effectiveness suffers." Members of the Working Group were: MG John P. Otjen, USA; MG William Devitte, USAF; BG Gerald Miller, USMC; RADM John Redd, USN and RADM James Loy, USCG.

108. Norman Schwarzkopf, "Declaration in Civil Action File No. S2-0216P (Matthews vs. March)." Maine: US District Court, 1982, p. 3-6.

109. See Ray, Eidsmore, Maggines Hemingway, Gregor.

110. GEN Norman Schwarzkopf as cited; "Schwarzkopf also Opposes Change in Policy;" LA Times, 12 May 92.

111. Ibid. Additionally see Hearing before the Committee on Armed Services House of Representatives, 103d Congress, First Session May 4-5 1993 File #H201-36. Those who testified included both homosexual, heterosexual military leaders, some of the homosexuals had successfully completed careers in the military and retired with honors while others were discharged for their sexual orientation. Each of the homosexuals were in favor of lifting the ban and testified that their known sexual orientation or that of others in the unit did not effect morale or effectiveness. While each heterosexual military leader was in favor of the status quo, each stated how seriously having known homosexuals in the unit could be.

112. A.J. Bacovich, "Military Culture and Effectiveness," Society; Nov/Dec 1993, p. 43-47.

113. Wells-Petry, p. 88-89.

114. "Estimates of HIV prevalence and projected AIDS cases:" Morbidity and Mortality Weekly Rep 1990; p. 39, 110, 112.

115. World Health Organization (WHO) Global Program on AIDS: Current and future dimensions of the HIV/AIDS pandemic. A capsule summary. Geneva: WHO; 1992 Jan.

116. Hammett T. Moinis; National Institute of Justice Publication No. NES124549, September 90.

117. Paul Gibson, Gay Male and Lesbian Youth Suicide, in Report of the Secretary's Task Force on Youth Suicide, Vol. 3, US Department of Health and Human Services, January, 1989, pp. 3-132.

118. Ray, p. 46, cites the following studies: H.W. Jaffe, and C. Keewhan, et al., "National Case-Control Study of Kaposi's Sarcoma and Pneumocystis Carinii Pneumonia in Homosexual Men: Part I, Epidemiological Results," Annals of Internal Medicine, 99 (2) 1983, pp. 145-151; H.H. Handsfield, "Sexually Transmitted Diseases in Homosexual Men," American Journal of Public Health, (9), 1981, pp. 989-990; Karla Jay and Allen Young, The Gay Report: Lesbians and Gay Men Speak Out About Sexual Experiences and Lifestyles (New York: Summit Books, 1979); Janet E. Gans, et al., American's Adolescents: How Healthy Are They? (American Medical Association, 1990), p. 31.

119. Ibid.
120. Dritz, Medical Aspects of Homosexuality," New England Journal of Medicine, #302, 1980, p. 463-464.
121. "The HIV/AIDS Surveillance Report: Year-End Edition," U.S. Department of Health and Human Services, Centers for Disease Control, National Center for Infectious Diseases, Division of HIV/AIDS, January, 1992, p. 9.
122. Paul Cameron, Kirk Cameron & Kay Proctor, "Effect of Homosexuality Upon Public Health & Social Order," Psychological Reports, 64, 1989, pp. 1167-1169.
123. Ibid.
124. Paul Cameron, Kirk Cameron & Kay Proctor, "Effect of Homosexuality Upon Public Health & Social Order," Psychological Reports, 64, 1989, pp. 1167-1169.
125. Chu, U.S. American Journal of Public Health 1992, 220 as cited in an educational pamphlet from the Family Research Institute.
126. Time Magazine, "Battle Fatigue: Scant Hope Emerges from This Years' AIDS Meeting," August 22, 1994, p. 63.
127. Steven Findlay, "AIDS the Second Decade" US News & World Report, June 17, 1991, p. 20-21.
128. Phone interview by the author with Mrs. Rebecca Cornett, Community Health Nurse, USA MEDAC Fort Leavenworth..
129. LTC Elaine M. Parker, USAF, Office of the Assistant Secretary of Defense (Force Management Policy) (Military Personnel Policy) Officer and Enlisted Personnel Management. Interview with the author 5 March 1995.
130. F. Hellinger, "Forecasts of the Costs of Medical Care for Persons with HIV": 1992-1995. JAMA, Fall 1992, 355-356.
131. There have been no legal challenges with regard to a false or misdiagnosis toward the Army as cited by Tramont, p. 8.
132. Current DOD Policy prohibits the discharge of service members solely for being HIV positive . DOD Directive 6485.1 Sec D3 Mar 19,1991..
133. "Homosexuals Headed for the Military; Your Action Needed," Eagle Forum of Alabama Newsletter, January/February 1993, p. 2.
134. Common homosexual practices can lead to serious medical conditions. The following is a brief description as cited in Ray, Military Necessity and Homosexuality.
Fellatio/cunnilingus (oral sex) - Both male and female homosexuals admit to oral sex with virtually every sexual partner. Among men, about half admit to ingesting semen

during fellatio. Seminal fluid contains nearly every germ carried in the blood. Ingesting semen therefore incurs nearly the same medical risk as drinking raw human blood. Cunnilingus incurs the risk of infection from contact with or ingestion of vaginal fluids, which also contain germs.

Anal intercourse - The next most common homosexual act, especially among men, is anal intercourse, which also incurs increased medical risks. Saliva is often used as lubricant. Anal intercourse often causes tearing or bruising of the anus or rectal wall, which is only one cell thick and not designed for this extreme activity. This combined with the multitude of germs and viruses carried in saliva and semen increases the likelihood of infection. Paul Cameron, Ph.D., Exposing the AIDS Scandal (Lafayette, Louisiana: Huntington House, Inc, 1988), pp. 148-151.

Anal penetration (penetration of the anus by hand, arm, or foreign objects) - In 1983, well over a third of homosexuals admitted to participating in "fisting" - the insertion of hands or arms through the anus. Anal penetration by large objects (including bottles, cucumbers, carrots, light bulbs, dildos, and other such "toys") greatly increases tearing, bruising, and the risk of infection. It also debilitates the sphincter muscles which control the anus and bowel movements. Paul Cameron, Ph.D., "Sexual Orientation and Sexually Transmitted Diseases" Nebraska Medical Journal, vol. 70, 1985, pp. 292-299; J.R. Daling, "Sexual Practices, Sexually Transmitted Diseases, and the Incidence of Anal Cancer," New England Journal of Medicine, vol. 317, 1987, pp. 973-977.

According to one medical study: "accurate diagnosis of free perforation in rectal trauma is also important [for in] the homosexual community, fist fornication is becoming increasingly common. Kingsley, "Colorectal Foreign Bodies, Management Update," Diseases of the Colon and Rectum, vol. 28, 1985, pp. 941-44. See also, Seymour Kleinberg, Alienated Affections (New York: St. Martin's Press, 1980), pp. 181-193.

Another medical journal reports: "Incidence of trauma to the rectum, secondary to homosexual practices, is increasing. . . 112 patients with trauma of the rectum or with retained foreign bodies, or both, resulting from homosexual or autoerotic practices were seen. Baron, "Management of Foreign Bodies and Trauma of the Rectum," Surgery, Gynecology and Obstetrics, vol. 156, 1983, pp. 453-57.

Anilingus (oral stimulation of the anus, or "rimming" among homosexuals) - About 80 percent of homosexuals regularly use their tongues to stimulate the anuses of their partners, thus ingesting biologically significant amounts of fecal matter. M.T. Schechter, "Changes in Sexual Behavior," Lancet, vol. 1293, 1984.

Urinary practices (drinking or showering in urine, called "golden showers" or "water sports" among homosexuals) - About 30 percent of homosexuals admitted to having "showered" in the urine of others, and about 20 percent admitted to ingesting urine. About 15 percent said they regularly seek to be urinated upon, and over 8 percent said they regularly ingest it. Walters, "Sexual Transmission of Hepatitis A in Homosexual Men: Incidence and Mechanism," New England Journal of Medicine, vol. 302, 1980, pp. 435-38; and "Hepatitis B in Homosexual Men," American Journal of Medicine, 3A-21S-3A-25S (1989). See also, William Donohue, The New Freedom, p. 132-133.

Scatological practices (eating or handling feces, "scat" or "fudge sports" among homosexuals) - In the latest national random survey 17 percent of homosexuals admitted to having eaten or handled the feces of their partners, and 12 percent reported to giving and receiving enemas for sexual pleasure. Cameron, Exposing the AIDS Scandal, pp. 149-52.

135. Dr. Irving B. Morgolis, Sexually Transmitted Anal and Rectal Infections, Surgery, Gynecology and Obstetrics #161 August 1985 p. 42. In approximately two thirds of the patients studied rectal disease was present. The other one-third were classified as having "gay bowl syndrome" a condition of infection or caused by trauma to rectum or anus resulting in a lack of control of the sphincter muscles.
136. Dr. Elizabeth Holly, "Anal Cancer Incidents: Genital Warts, Anal Fissure or Fistula, Hemorrhoids, and Smoking," Journal of the National Cancer Institute #11 (1989) p. 1726-1732.
137. Dr. J. Hampton Atkinson, MD, "Prevalence of Psychiatric Disorders Among Men Infected with HIV," Archives of General Psychiatry #45, Sept 1988, p. 859-864. Dr. Atkinson observed "it is generally true that more persons in the . . . homosexual group. . . regardless of medical status, experienced depressive and anxiety disorders more than did heterosexual controls.
138. Dr. Chris Anne Raymond, Ph.D., "Addressing Homosexuals' Mental Health Problems," Journal of the American Medical Association 259, Jan 1988, p. 19. Dr. Raymond reported that 50 percent of the homosexuals she studied entertained the idea of suicide while 20 percent had attempted suicide.
139. "Gays are More Prone to Substance Abuse," Insight (5 November 1990): 6 cited in Ray, p. 79.
140. Dr. Paul Cameron, William Playfair, Stephen Wellum, "The Homosexual Lifespan," Washington, DC: Family Research Institute, 1992. 6516 obituaries from 16 U.S. homosexual journals over the past 12 years were compared to a large sample of obituaries from regular newspapers. The median age of death of married men was 75 and 80% of them died of old age (65 or older). For unmarried or divorced men the median death was 57 and 32% of them died old. Married women averaged 79 at death and 85% died old. Unmarried and divorced women averaged age 71 and 60% of them died old.
- The median age of death for homosexuals however, was virtually the same nationwide. Less than 20% survived to old age. If AIDS was the cause of death, the median age was 39. For the 803 homosexuals who died of something other than AIDS, the median age was 42 and 9% died old. The 133 lesbians had a median age of 45 and 23% died old.
- 2.8% of gays died violently. They were 116 times more apt to be murdered; 24 times more apt to commit suicide; and had a traffic accident death rate 18 times the rate of comparably aged white males. Twenty percent of lesbians died of murder, suicide or accident a rate 487 times higher than white females aged 25-44.
141. Edmund C. Tramont, AIDS and the Impact on Medical Readiness, The Institute of Land Warfare, AUSA, Arlington, VA, Nov 1990, p. 5
142. Refield RR, Wright DC, Tramont EC: The Walter Reed staging classification for HTLV-III/LAV infection, N Engl J Med 314:131-132, 1986.

143. OSD reported 1214 HIV/AIDS cases in the US military on 4 March 1995. Interview with the author.

144. Ibid.

145. Kelley PW, Miller RN, Pmerants R: "Human immunodeficiency virus seropositivity among members of the active duty US Army 1985-89," Am J Public Health 80:405-410, 1990.

146. The staging system used throughout the military divides the infection into six stages. In stage 1, the patient tests positive for the antibody, but there are no other signs of the disease. Stage 2 indicates there is also chronic lymphadenopathy. Stage 3 occurs when the T-cell count drops to below 400/mm³ for at least 3 months. In stage 4, there is evidence of impaired immunity, as demonstrated by partial response to certain skin allergens. The presence of *Candida* (thrush) or of complete cutaneous anergy classifies the patient as stage 5. Finally, if an opportunistic infection is present, such as *Pneumocystis carinii* pneumonia or Kaposi's sarcoma, the patient is diagnosed as being Walter Reed stage 6. Stages 5 and 6 correspond to AIDS in the Centers for Disease Control classification.

147. Ibid.

148. RAND, p. 22.

149. Gay, Lesbian, Bisexual Military Freedom Project. See Annex A.

150. RAND, p. 22-23, Rand's research reports that about three quarters of the American public believes homosexuality is "wrong." Over the past two decades 70-75 percent of the public consistently responded that homosexuality was wrong. 80 percent believe that homosexuals should not be discriminated against, while those in favor of allowing homosexuals to serve in the military in split about 50-50. In a Wall Street Journal/NBC News Poll, published 11 June 93, 21 percent of registered voters opposed allowing homosexuals to serve under any conditions. Thirty-eight percent favored service as long as sexual orientation was kept private, 40 percent were in favor of homosexuals serving openly but following the same rules of conduct as all military personnel while on base.

151. Ray, p. 61-65. A brief survey of the relevant Bible passages by Ray makes this very clear: *Genesis 1:27* So God created man in his own image, in the image of God created he him; male and female created he them.

Genesis: 9:19-29 narrates a drunken homosexual encounter between Noah and his son, Ham, and God's strong condemnation of this act.

Genesis 9:19-29 (cf *II Peter 2:6-10, Jude 7*) describes God's destruction of the cities of Sodom and Gomorrah because of their sexual practices. From Sodom we derive the word "sodomy." While gay rights advocates have tried to interpret this passage as applying only to homosexual rape, nothing in the passage would justify that limitation. In fact, if that were true, it would seem that God would have destroyed only the homosexual rapists and not their innocent victims.

Leviticus 18:22-29 Thou shalt not lie with mankind, as with womankind; it is abomination. Neither shalt thou lie with any best to defile thyself therewith: neither shall

any woman stand before a beast to lie down thereto; it is confusion. Defile not yourselves in any of these things: for in all these the nations are defiled which I cast out before you: and the land is defiled: therefore I do visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants. Yet shall therefore keep my statutes and my judgment, and shall not commit any of these abominations; neither any of your own nation, nor any stranger that sojourneth among you: (for all these abominations have the men of the land done, which was before you, and the land is defiled;) that the land spew not you out also, while ye defile it, as it spewed out the nations that were before you. For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people. [NOTE: The Canaanites, whom the Israelites displace at God's command according to Scripture, regularly practice homosexuality, prostitution involving both sexes as part of their religious fertility rights sex with idols with artificial phalluses, child sacrifice as part of sexual orgies, and other such practices.]

Deuteronomy 23:17 There shall be no whore of the daughters of Israel, nor a sodomite of the sons of Israel.

Romans 1: 26-27 For this cause [man's rebellion against God] God also gave them up unto vile affections: for even their women did change the natural use into that which is against nature: and likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which unseemly, and receiving in themselves that recompense of their error which was meet. [NOTE: The phrase "burned in their lust toward one another: implies a condemnation of homosexual tendencies as well as homosexual acts.]

I Corinthians 6:9-10 Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners shall inherit the kingdom of God.

I Timothy 1:9-10 Knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and sinners, for unholy and profane, for murderers of fathers and murders of mothers, for manslayers, for whoremongers, for them that defile themselves with mankind, for menstealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine. . .

152. John Eidsmoe, Christianity and the Constitution: The Fourth of our Founding Fathers, Grand Rapids, MI: Baker Book House 1987/1991.

153. RAND, p. 22-27, 191-207.

154. RAND, p. 19.

155. Los Angeles Times survey conducted 11-16 February 1993 and interviews conducted by Northwestern University sociologists Charles Moskos and Laura Miller, as cited in RAND Report, p. 209-241.

156. Ibid.

157. Eidsmoe, Guns & Gays, p. 70.

158. Magginis, p. 39.

159. Ibid.

160. Lorraine Day, M.D., AIDS: What the Government Isn't Telling You; Palm Desert, CA: Rockford Press, 1991, p. 112-114.

161. Dr. Paul Cameron, "Child Molestation and Homosexuality," Psychological Report 58, p. 327-337.

162. Eidsmore, p. 87.

163. Robert Knight, "Sexual Disorientation: Faulty Research in the Homosexual Debate," Family Research Council, Washington, DC. June 1992, p. 6-7. The North America Man/Boy Love Association (NAMBLA) actively promotes pedophilia as beneficial to children and adults. The homosexual publication Sentinel editorialized on March 26, 1992 that "love between men and boys is at the foundation of homosexuality." According to Knight's work, the homosexual publication Advocate features personal ads for prostitution which openly solicit boys.

164. Day, p. 112.

165. According to the Office of the Secretary of Defense, DOD discharge rates for homosexuality were: 1991, 949 discharges or .047%; 1992, 708 discharges or .039%; 1993, 682, discharges or .039%; 1994, 597 discharges or .037%.

166. Ibid.

167. Ibid.

168. Ibid.

169. Ibid.

170. William Gregor, Ph.D. interview with the author. Dr. Gregor is a political scientist and testified before the Senate Armed Services Committee during the 1993 debate over establishing a new homosexual policy in the military.

171. LTC Elaine Parker, USAF, Office of the Assistant Secretary of Defense (Force Management Policy) (Military Personnel Policy) Officer and Enlisted Personnel Management Interview with the author on 4 March 1995 Washington DC. Since 28 Feb 1994 when the New Policy went into effect 725 service members have been discharged for homosexuality. Approximately 120 of 215 AF discharges were the result of self admission.

172. Public Law #103-337 Sec 560 of the DOD Authorization Act 95 requires separation of nondeployable service members. The law gives service secretaries the latitude to maintain the service member if there is no immediate threat to mission accomplishment. However, DOD Directive 64851.1 Sec D-3, March 19, 1991 states that the services cannot separate a service member for being only HIV positive.

173. Ibid.

174. William J. Gregor, "Ending Gay Ban Poses Risks," Legal Times, Feb 15, 1993, p. 27.

175. Ray, p. 37-40.

176. Research shows that approximately 3 percent of homosexuals remain celibate.

177. Nick Adde, "Year later, gay policy debate rages on," Army Times, March 13, 1995.

178. Ibid.

179. Nick Adde, "'Don't ask, don't tell' ruled illegal," Army Times, April 10, 1995, p. 9.

Bibliography

BOOKS

A.P. Bell, M.S. Weinberg and S.K. Hammersmith, Sexual Preference, Bloomington, Indiana: University Press, 1981.

A.P. Bell and M.S. Weinberg, Homosexualities. A Study of Diversity Among Men and Women, New York: Simon and Schuster 1978.

Alan Be'rubé', Coming Out Under Fire: The History of Gay Men and Women in World War II, New York: The Free Press, 1990.

Lorraine Day, M.D., AIDS: What the Government Isn't Telling You; Palm Desert, CA: Rockford Press, 1991.

John Eidsmore, Christianity and the Constitution: The Fourth of our Founding Fathers, Grand Rapids, MI: Baker Book House, 1987/1991.

John A. Eidsmore, Gays and Guns: The case against Homosexuals in the Military; Lafayette, LA: Huntington House Publishers, 1993.

Laud Humphreys, Out of the Closets: the Sociology of Homosexual Liberation, Englewood Cliff, N. J. : Prentice-Hall, 1972

Mary Ann Humphries, My Country. My Right to Serve, New York: Harper Collins, 1990.

Lucus Kaplan and Associates, Gay and Lesbian Diversity in the Workforce, Philadelphia, PA 1990.

Alfred C. Kinsey, Sexual Behavior in the Human Male, Philadelphia; Sanders & Co, 1948.

Ulysses Lee, United States Army in World War II: Special Studies. Employment of Negro Troops, Washington, D.C., Office of the Chief of Military History, United States Army, 1966.

Chuck McIlhenny, When the Wicked Seize a City, Lafayette, LA: Huntington House Publishers, 1993.

Dr. J. Gordon Muir, Kinsey. Sex and Fraud, Lafayette, LA: Huntington House Publishers, 1990.

Ronald D. Ray, Gays--in or out?: The U. S. Military & Homosexuals: A Source Book. Brassey's 1993.

Ronald D. Ray, Military Necessity and Homosexuality, Washington: First Principles, Inc, 1993.

Judith A. Reisman and Edward W. Eichel, Kinsey. Sex and Fraud: The Indoctrination of a People, J. Gordon Muir and John H. Court, editors, Lafayette, LA: Huntington House, 1990.

Randy Shilts, Conduct unbecoming: Lesbians and Gays in the U. S. Military. Vietnam to the Persian Gulf, New York: St. Martin's Press, 1993.

Joseph Steffan, Honor Bound, New York, First Avon Books, 1993

Martin Van Creveld,, Command in War, Cambridge, Massachusetts, and London, England: Harvard University Press, 1985

Webster's Third New International Dictionary (Unabridged) Springfield, MA: GEC Merriam Company, 1976.

Melissa Wells-Petry, Exclusion: Homosexuals and the right to serve, Washington, D. C.: Regnery Gateway, 1993.

Marc Wolinski and Kenneth Shellill, Gays and the Military : Joseph Steffan versus the United States, Princeton, N. J.: Princeton University Press, 1993.

Articles in Journals and Magazines

Nick Adde, "Year later, gay policy debate rages on," Army Times, March 13, 1995.

Nick Adde, "'Don't ask, don't tell' ruled illegal," Army Times, April 10, 1995.

L. S. Allen, R. A. Gorski, "Sexual Orientation and the Size of the Anterior Commissure in the Human Brain," National Academy of Science U S A, 1992, Vol. 89, pp. 7199-7202,

Dr. J. Hampton Atkinson, MD, "Prevalence of Psychiatric Disorders Among Men Infected with HIV," Archives of General Psychiatry, #45, Sept 1988, p. 856-864

A.J. Bacavich, " Military Culture and Effectiveness", Society; Nov/Dec 1993, p. 43-47

J. Michael Bailey, Richard C. Pillard, "A Genetic Study of Male Sexual Orientation," Archives of General Psychiatry, Vol. 48, 1991, p. 1089-1096.

J. Michael Bailey, Richard C. Pillard, Michael C. Neale, Yvonne Agyei, "Heritable Factors Influence Sexual Orientation in Women," Archives of General Psychiatry, Vol. 50, March 1993, p. 217-223.

Gary L. Bauer, "Sexual Disorientation," Family Policy, June 1992, p. 6.

Daniel T. Bross, "Gay activists protest HIV testing in military." Washington Times, December 1, 1992

James Burk, "Power, Morals and Military Uniqueness," Society, Nov/Dec. 1993 p.29.

Paul Cameron, Kirk Cameron & Kay Proctor, "Effect of Homosexuality Upon Public Health & Social Order," Psychological Reports, 64, 1989, p. 1167-1169.

L Corey, . and Keneth.K.Holmes, "Sexual Transmission of Hepatitis A in homosexual men," The New England Journal of Medicine, 1980, p. 302.

Paul Cameron, William I. Playfair, and Stephen Wellum, "The Homosexual Lifespan," Family Research Institute, Inc., Washington, DC, 1992.

L Corey, . and K. K Homnes, "Sexual transmission of hepatitis A in homosexual men," The New England Journal of Medicine, 1980, 302: 435-438.

Jeffrey S. Davis, "Military Policy Toward Homosexuals: Scientific, Historical, and Legal Perspectives," Military Law Review 131, 1991, p. 73.

Allen K. Dritz, Medical Aspects of Homosexuality," New England Journal of Medicine, #302, 1980.

Steven Findlay, "AIDS the Second Decade" US News & World Report, June 17, 1991.

Dr. P. Guinan, "Heterosexual and Homosexual Patients with the Acquired Immunodeficiency Syndrome", Vol.100 Annals Internal Med. 213-18 (1984).

William J. Gregor, "Ending Gay Ban-Poses Risks," Legal Times, Feb 15, 1993.

F. Hellinger, "Forecasts of the Costs of Medical Care for Persons with HIV:" 1992-1995. JAMA, Fall 1992.

Dr. Elizabeth Holly, "Anal Cancer Incidents: Genital Warts, Anal Fissure or Fistula, Hemorrhoids, and Smoking," Journal of the National Cancer Institute #11, 1989. p. 1726-1732

David Horowitz, "The Queer Fellows," American Spectator, January 1993.

PW Kelley , RN Miller, R, P Merants, "Human immunodeficiency virus seropositivity among members of the active duty US Army 1985-89," American Journal of Public Health 80: 1990. p. 405-410.

Robert J. Kus, "Alcoholics Anonymous and Gay American Men," Journal of Homosexuality, Volume 14, No. 2, 1987, p. 254.

John Luddy, "Make War, Not Love", Policy Review Spring 1993, p. 68-71.

William A. Niskanen and Stephen Moore, "May We Cut In, Mr. Clinton?", Policy Review, Number 64, Spring 1993. p.12

Dr. Chris Anne Raymond, Ph.D., "Addressing Homosexuals' Mental Health Problems," Journal of the American Medical Association , Jan 1988.p. 259

Dick Thompson, "A losing Battle With Aids," Time, 2 July 1990, p. 43.

"Battle Fatigue: Scant Hope Emerges from This Years' AIDS Meeting," Time, August 22, 1994, p. 63

Roger Refield, Donald C Wright , Edmund C Tramont : The Walter Reed staging classification for HTLV-III/LAV infection, New Engl Journal of Medicine 314:131-132, 1986.

John B. Roos; editorial Armed Forces Journal, March 1993. p.2

S. Allen. Stewart, USA Today, 21 November 1984; "AIDS and Sexual Behavior Reported by Gay Men in San Francisco," American Journal of Public Health, 1985, p. 493-496.

Simon LeVay, "A Difference in Hypothalamic Structure Between Heterosexual and Homosexual Men," Science, Vol. 258, 1991, p. 1034-1037.

Newspapers

David Evans, "Truth and Consequences on gays," The Chicago Tribune, 11 December 1992, Section 1, p. 21.

J. Gordon Muir, "Homosexuals and the 10% Fallacy," The Wall Street Journal, March 31, 1993, p. A-14.

Joyce Price, "Gay activists protest HIV testing in military," Washington Times, 1 December 1992, p. 1.

General Colin L. Powell, "Powell 'Gays in the Military, Far More Complicated Issue,'" Air Force Times, 14 Dec 92.

GEN Norman Schwarzkopf as cited in; "Schwarzkopf also Opposes Change in Policy;" LA Times, 12 May 92.

"Homosexuals Headed for the Military: Your Action Needed," Eagle Forum of Alabama Newsletter, January/February 1993.

Interviews

LTC Elaine M. Parker, USAF, Office of the Assistant Secretary of Defense (Force Management Policy) (Military Personnel Policy) Officer and Enlisted Personnel Management Division.

Major Tom Smoot, Office of the Assistant Secretary of Defense (Force Management Policy) (Military Personnel Policy) Compensations Division.

Ms. Rebecca Cornett, Community Health Nurse, USA MEDAC, FT. Leavenworth, Ks.

Dr. Bozwell, Col. USAF Retro Viral Lab, Walter Reed Hospital.

William Gregor, Ph.D. Professor of Political Science, Command and General Staff College, School of Advanced Military Studies, Ft. Leavenworth, Ks.

Unpublished Materials

Archdiocese for the Military Services, USA, in a letter to President Clinton "concerning the admittance of Homosexual persons to Military Service" 27 January 1993.

Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, The White House, January 29, 1993

Reports, proceedings, studies and surveys

American Psychological Association, Ethics Committee Study as reported in USA Today, November 21, 1984.

Gay, Lesbian, Bisexual Military Freedom Project. March on Washington DC, March 1993

Paul Gibson, Gay Male and Lesbian Youth Suicide, in Report of the Secretary's Task Force on Youth Suicide, Vol. 3, US Department of Health and Human Services, January, 1989.

Hearing before the Committee on Armed Services House of Representative, 103d Congress, First Session May 4-5, 1993; File #201-36.

"The HIV/AIDS Surveillance Report: Year-End Edition," U.S. Department of Health and Human Services, Centers for Disease Control, National Center for Infectious Diseases, Division of HIV/AIDS, January, 1992.

Robert Knight, "Sexual Disorientation: Faulty Research in the Homosexual Debate," Family Research Council, Washington, DC. June 1992.

Los Angeles Times survey on homosexuality conducted 11-16 February 1993.

Roger Magnuson, "Are Gay Rights?" The Berean League, January 1988.

Rand Corporation study Sexual Orientation and U.S. Military Personnel Policy: Options and Assessment, National Defense Research Institute, Santa Monica, CA, 1993.

Tom W. Smith, Adult Sexual Behavior in 1989: Number of Partners, Frequency and Risk, presented to the American Association for the Advancement of Science, University of Chicago, February, 1990.

Edmund C. Tramont, AIDS and the Impact on Medical Readiness, The Institute of Land Warfare, AUSA, Arlington, VA, Nov 1990.

United States General Accounting Office, Defense Force Management: DOD's Policy on Homosexuality, GAO/NSIAD 92-98, Washington, D.C.: U.S. Government Printing Office, June 1992.

United States General Accounting Office Report Homosexuals in the Military: Policies and Practices of Foreign Countries, Washington, DC June 25, 1993.

World Health Organization (WHO) Global Program on AIDS: Current and future dimensions of the HIV/AIDS pandemic. A capsule summary, Geneva: WHO; January, 1992

Summary Report of the Military Working Group OSD. Washington DC, 1 July 1993.

Brigadier General William Weise, USMC (Retired) Testimony before the House Armed Services Committee, May 1993.

Norman Schwarzkopf, "Declaration in Civil Action File No. S2-0216P (Matthews vs. March)." Maine: US District Court, 1982.

Government Publications

Air Force Manual 39-12 section 2-103 (a).

Constitution of the United States of America, 1776

Constitution of the United States of America, Fourteenth Amendment 1868

Department of the Defense Directive (DOD) 1332.30 Separation of Regular Commissioned Officer, 21 Dec. 1993.

Department of the Defense Directive (DOD) 1332.14, Enlisted Administrative Separations Office, 21 Dec. 1993.

Department of the Defense Directive (DOD) 1304.26, Qualification Standards for Enlistment, Appointment, and Induction, 21 Dec. 1993.

Recommended DoD Homosexual Policy, Office of the Secretary of Defense, Washington D.C., 1 July 1993

Joint Pub 1-02, Department of Defense Dictionary of Military and Associated Terms, 23 March 1994.

The Manuals for Court-Martial, 1917.

The Manuals for Court-Martial, 1921.

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ATTER OF OFFICE

**1993 MARCH ON WASHINGTON
FOR LESBIAN,
GAY, AND BI
EQUAL RIGHTS
AND LIBERATION**



Platform of the 1993 March on Washington for Lesbian, Gay, and Bi Equal Rights and Liberation

Action Statement Preamble to the Platform

The Lesbian, Gay, Bisexual and Transgender movement recognizes that our quest for social justice fundamentally links us to the struggles against racism and sexism, class bias, economic injustice and religious intolerance. We must realize if one of us is oppressed we all are oppressed. The diversity of our movement requires and compels us to stand in opposition to all forms of oppression that diminish the quality of life for all people. We will be vigilant in our determination to rid our movement and our society of all forms of oppression and exploitation, so that all of us can develop to our full human potential without regard to race, religion, sexual orientation/identification, identity, gender and gender expression, ability, age or class.

THE MARCH DEMANDS

1. We demand passage of a Lesbian, Gay, Bisexual, and Transgender civil rights bill and an end to discrimination by state and federal governments including the military; repeal of all sodomy laws and other laws that criminalize private sexual expression between consenting adults.
2. We demand massive increase in funding for AIDS education, research, and patient care; universal access to health care including alternative therapies; and an end to sexism in medical research and health care.
3. We demand legislation to prevent discrimination against Lesbians, Gays, Bisexuals and Transgendered people in the areas of family diversity, custody, adoption and foster care and that the definition of family includes the full diversity of all family structures.
4. We demand full and equal inclusion of Lesbians, Gays, Bisexuals and Transgendered people in the educational system, and inclusion of Lesbian, Gay, Bisexual and Transgender studies in multicultural curricula.
5. We demand the right to reproductive freedom and choice, to control our own bodies, and an end to sexist discrimination.
6. We demand an end to racial and ethnic discrimination in all forms.
7. We demand an end to discrimination and violent oppression based on actual or perceived sexual orientation/identification, race, religion, identity, sex and gender expression, disability, age, class, AIDS/HIV infection.